

**SANTA CRUZ COUNTY SANITATION  
DISTRICT CODE  
2020**

A Codification of the General Ordinances  
of the Santa Cruz County Sanitation District of  
Santa Cruz County, California



## I. HOW TO USE YOUR CODE

This code is organized to make the laws of the County as accessible as possible to County officials, County employees and private citizens. Please take a moment to familiarize yourself with some of the important elements of this code.

### **Numbering System**

The numbering system is the backbone of a code of ordinances. It is based on three tiers, beginning with **title**, then **chapter** and ending with **section**. Each part is represented in the code section number. For example, Section 2.04.010 is Section .010, in Chapter 2.04 of Title 2.

### **Title**

A title is a broad category under which ordinances on a related subject are compiled. This code contains about 15 to 20 titles. For example, the first title is Title 1, General Provisions, which may contain ordinances about the general penalty, code adoption and definitions. The titles in this code are separated by tabbed divider pages for quick reference. Some titles are reserved for later use.

### **Chapter**

Chapters deal with more specific subjects and are often derived from one ordinance. All of the chapters on a related subject are grouped in one title. The chapters are numbered so that new chapters which should logically be placed near certain existing chapters can be added at a later time without renumbering existing material. For example, Chapter 2.06, City Manager, can be added between 2.04, City Council, and Chapter 2.08, City Attorney.

### **Section**

Each section of the code contains substantive ordinance material. The sections are numbered by "tens" to allow for expansion of the code without renumbering.

### **Tables of Contents**

There are many tables of contents in this code to assist in locating specific information. At the beginning of the code is the main table of contents listing each title. In addition, each title and chapter has its own table of contents listing the chapters and sections, respectively.

### **Ordinance History Note**

At the end of each code section, you will find an "ordinance history note," which lists the underlying ordinances for that section. The ordinances are listed by number, section (if applicable) and year. (Example: Ord. 272 §1, 1992.) This note will be updated by the District Secretary as each section is amended, with the most recent amendment added to the beginning. The notation "(part)" is used when the code section contains only part of the ordinance (or section of the ordinance) specified; this indicates that there are other areas of the code affected by the same ordinance (or section of the ordinance). If the code section was derived from an earlier codification, the last entry in the note indicates the old or "prior code" section number.

## I. HOW TO USE YOUR CODE

### **Statutory References**

The statutory references direct the code user to those portions of the State statutes that are applicable to the laws of the municipality. As the statutes are revised, these references will be updated.

### **Cross-Reference Table**

When a code is based on an earlier codification, the cross-reference table will help users find older or "prior" code references in the new code. The cross-reference table is located near the end of the code, under the tabbed divider "Tables." This table lists the prior code section in the column labeled "Prior Code Section" and the new code section in the column labeled "Herein." This table will be updated as prior code sections are renumbered or repealed.

### **Ordinance List and Disposition Table**

To find a specific ordinance in the code, turn to the section called "Tables" for the Ordinance List and Disposition Table. The table is organized by ordinance number and provides a brief description and the disposition of the ordinance. If the ordinance is codified, the chapter (or chapters) will be indicated. (Example: 2.04, 6.12, 9.04). If the ordinance is of a temporary nature or deals with subjects not normally codified, such as budgets, taxes, annexations or rezones, the disposition will be "(Special)." If the ordinance is for some reason omitted from the code, usually at the direction of the municipality, the disposition will be "(Not codified)." When an ordinance is repealed, the disposition will be changed to "(Repealed by Ord.)" with the appropriate ordinance number. Other dispositions sometimes used are "(Tabled)," "(Pending)," "(Number Not Used)," or "(Missing)."

### **Index**

If you're not certain where to look for a particular subject in this code, start with the index. This is an alphabetical, multi-tier subject index which uses section numbers as the reference, and cross-references where necessary. Look for the main heading of the subject you need, then the appropriate subheadings:

BUSINESS LICENSE

See also BUSINESS TAX

Fee 5.04.030

Required when 5.04.010

The index will be updated as necessary when the code text is amended.

### **Insertion Guide**

Each supplement to the new code will be accompanied by an Insertion Guide. This guide will tell the code user the date of the most recent supplement and the last ordinance contained in that supplement.

## PREFACE

The Santa Cruz County Sanitation District Code, originally published by Book Publishing Company in 1989, has been kept current through regular supplementation through, and including, Supplement No. 17 by Matthew Bender & Company, Inc., its successor in interest. Subsequent supplements have been kept current by the Santa Cruz County Sanitation District Secretary of the Board.

During original codification, the ordinances were compiled, edited and indexed by the editorial staff of Book Publishing Company under the direction of Samuel Torres, Jr., Assistant District Counsel.

The code is organized by subject matter under an expandable three-factor decimal numbering system which is designed to facilitate supplementation without disturbing the numbering of existing provisions. Each section number designates, in sequence, the numbers of the title, chapter and section. Thus, Section 2.04.140 is Section 140, located in Chapter 2.04 of Title 2. In most instances, sections are numbered by tens (.010, .020, .030, etc.), leaving nine vacant positions between original sections to accommodate future provisions. Similarly, chapters and titles are numbered to provide for internal expansion.

In parentheses following each section is a legislative history identifying the specific sources for the provisions of that section. This legislative history is complemented by an ordinance disposition table, following the text of the code, listing by number all ordinances, their subjects, and where they appear in the codification.

A subject matter index, with complete cross-referencing, locates specific code provisions by individual section numbers.

This volume covers ordinances through Ordinance 144, passed August 6, 2020.

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Santa Cruz County Sanitation District  
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(SCCSD Supp. 27)

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**1.01.010 Adoption**

There is hereby adopted the Santa Cruz County Sanitation District Code, as compiled, edited and published by Book Publishing Company, Seattle, Washington. (Ord. 68 §1, 1991)

**1.01.020 Title–Citation–Reference**

This code shall be known as the "Santa Cruz County Sanitation District Code" and it shall be sufficient to refer to this code as the "District Code" in any prosecution for the violation of any provision thereof or in any proceeding at law or equity. It shall be sufficient to designate any ordinance adding to, amending, correcting or repealing all or any part of or portion thereof as an addition to, amendment to, correction or repeal of the "Santa Cruz County Sanitation District Code." Further reference may be had to the titles, chapters, sections, and subsections of the Santa Cruz County Sanitation District Code and such references shall apply to that numbered title, chapter, section, or subsection as it appears in the code. (Ord. 68 §2, 1991)

**1.01.030 Reference Applies to All Amendments**

Whenever a reference is made to this code as the "Santa Cruz County Sanitation District Code" or to any portion thereof, or to any ordinance of the Santa Cruz County Sanitation District, codified in this code, the reference shall apply to all amendments, corrections and additions heretofore, now or hereafter made. (Ord. 68 §3, 1991)

**1.01.040 Title, Chapter and Section Headings**

Title, chapter and section headings contained in this code shall not be deemed to govern, limit, modify or in any manner affect the scope, meaning or intent of the provisions of any title, chapter or section hereof. (Ord. 68 §4, 1991)

**1.01.050 Reference to Specific Ordinances**

The provisions of this code shall not in any manner affect matters of record which refer to, or are otherwise connected with ordinances which are therein specifically designated by number or otherwise and which are included within the code, but such reference shall be construed to apply to the corresponding provisions contained within this code. (Ord. 68 §5, 1991)

**1.01.060 Ordinances Passed Prior to Adoption**

The last ordinance included in this code was Ordinance No. 67, passed November 20, 1989. (Ord. 68 §6, 1991)

**1.01.070 Effect of Code on Past Actions and Obligations**

The adoption of this code does not affect prosecutions for ordinance violations committed prior to the effective date of this code, does not waive any fee or penalty due and unpaid on the effective date of this code, and does not affect the validity of any bond or cash deposit posted, filed or deposited pursuant to the requirements of any ordinance. (Ord. 68 §7, 1991)

**1.01.080 Constitutionality**

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this code. (Ord. 68 §8, 1991)

## Chapter 1.04

### GENERAL PROVISIONS

#### Sections:

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1.04.050	Acts by Agents
1.04.060	Prohibited Acts Include Causing and Permitting
1.04.070	Computation of Time
1.04.080	Construction
1.04.090	Repeal Not to Revive Any Ordinance

#### **1.04.010 Definitions**

The following words and phrases, whenever used in the code of the Santa Cruz County Sanitation District, Santa Cruz County, California, shall be construed as defined in this section unless from the context a different meaning is intended or unless a different meaning is specifically defined and more particularly directed to the use of such words or phrases:

- "City" and "town" each mean the City of Capitola or the area within the territorial limits of the City of Capitola and such territory outside those areas, over which the City has jurisdiction or control by virtue of any constitutional or statutory provision.
- "County" means the County of Santa Cruz.
- "District" means the Board of Directors of the Santa Cruz County Sanitation District. "All its members" or "all Board members" means the three members appointed to hold office.
- "Law" denotes applicable Federal law, the Constitution and statutes of the State of California, the ordinances of the City of Capitola and County of Santa Cruz, and when appropriate, any and all rules and regulations which may be promulgated thereunder.
- "May" is permissive.
- "Month" means a calendar month.
- "Must" and "shall" are each mandatory.
- "Oath" includes an affirmation or declaration in all cases in which, by law, an affirmation may be substituted for an oath, and in such cases the words "swear" and "sworn" shall be equivalent the words to "affirm" and "affirmed."

- "Owner," applied to a building or land, includes any part owner, joint owner, tenant in common, joint tenant, tenant by the entirety, of the whole or a part of such building or land.
- "Person" includes a natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business, trust, organization, or the manager, lessee, agent, servant, officer or employee of any of them.
- "Personal property" includes money, goods, chattels, things in action and evidences of debt.
- "Preceding" and "following" means next before and next after, respectively.
- "Property" includes real and personal property.
- "Real property" includes lands, tenements and hereditaments.
- "Sidewalk" means that portion of a street between the curb line and the adjacent property line intended for the use of pedestrians.
- "State" means the State of California.
- "Street" includes all streets, highways, avenues, lanes, alleys, courts, places, squares, curbs or other public ways in this District's jurisdiction, which have been or may hereafter be dedicated and open to public use, or such other public property so designated in any law of this State.
- "Tenant" and "occupant," applied to a building or land, include any person who occupies the whole or a part of such building or lands, whether alone or with others.
- "Written" includes printed, typewritten, mimeographed, multi-graphed, or otherwise reproduced in permanent visible form.
- "Year" means a calendar year. (Ord. 66 §1.04, 1989)

#### **1.04.020 Title of Office**

Use of the title of any officer, employee, department, Board, or commission means that officer, employee, department, Board, or commission of the Santa Cruz County Sanitation District. (Ord. 66 §1.05, 1989)

#### **1.04.030 Interpretation of Language**

All words and phrases shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as maybe have acquired a peculiar and appropriate meaning in the law shall be construed and understood according to such peculiar and appropriate meaning. (Ord. 66 §1.06, 1989)

#### **1.04.040 Grammatical Interpretation**

The following grammatical rules shall apply in the ordinances of the Santa Cruz County Sanitation District, unless it is apparent from the context that a different construction is intended:

- A. **Gender.** Each gender includes the masculine, feminine and neuter genders.
- B. **Singular and Plural.** The singular numbers include the plural and the plural includes the singular.
- C. **Tenses.** Words used in the present tense include the past and the future tenses and vice versa, unless manifestly inapplicable. (Ord. 66 §1.07, 1989)

**1.04.050 Acts by Agents**

When an act is required by an ordinance, the same being such that it may be done as well by an agent as by the principal, such requirement shall be construed to include all such acts performed by an authorized agent. (Ord. 66 §1.08, 1989)

**1.04.060 Prohibited Acts Include Causing and Permitting**

Whenever, in the ordinances of the Santa Cruz County Sanitation District, any act or omission is made unlawful, it shall include causing, allowing, permitting, aiding, abetting, suffering, or concealing the fact of such act or omission. (Ord. 66 §1.09, 1989)

**1.04.070 Computation of Time**

Except when otherwise provided, the time within which an act is required to be done shall be computed by excluding the first day and including the last day, unless the last day is Sunday or a holiday, in which case it shall also be excluded. (Ord. 66 §1.10, 1989)

**1.04.080 Construction**

The provisions of the ordinances of the Santa Cruz County Sanitation District, and all proceedings under them, are to be construed with a view to affect their objects and to promote justice. (Ord. 66 § 1.11, 1989)

**1.04.090 Repeal Not to Revive Any Ordinance**

The repeal of an ordinance shall not repeal the repealing clause of an ordinance or revive any ordinance which has been repealed thereby. (Ord. 66 §1.12, 1989)

## Chapter 1.05

### CLAIMS AGAINST THE DISTRICT

#### Sections:

1.05.010	Statutory Authority
1.05.020	Purpose
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1.05.040	Requirements to Bring Suit
1.05.050	Time Limitation
1.05.060	Late Filing of Claims
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1.05.090	Time for Action by District Officers and Claimant
1.05 .100	Re-Examination of Rejected Claims
1.05 .110	Contract Claims
1.05.120	Waiver of Waiting Period
1.05 .130	Action on Liability Claims

#### **1.05.010 Statutory Authority**

This chapter is adopted pursuant to and in conformity with Sections 905, 930.2, 935, and 29700, et seq., of the California Government Code. (Ord. 115 §1 (part), 2006)

#### **1.05.020 Purpose**

The purposes of this chapter are to allow the Santa Cruz County Sanitation District (District) to make a timely investigation of the facts on which a claim is based so as to have an opportunity to settle just claims before suit is brought, defend itself against unjust claims, and correct promptly any conditions or practices which gave rise to claims. (Ord. 115 §1 (part), 2006)

#### **1.05.030 Scope**

All claims against the District for money or damages which are excepted by Section 905 of the Government Code from the claims procedure provided by Part 3 of Division 3.6, Title 1 of the Government Code and which are not expressly governed by any other statute or regulation shall be governed by this chapter. (Ord. 115 §1 (part), 2006)

#### **1.05.040 Requirements to Bring Suit**

No suit for money or damages may be brought against the District on a cause of action for which this chapter requires a claim to be presented until a written claim therefore has been filed in conformity with this chapter. Only the person who filed the claim may bring such a suit. (Ord. 115 §1 (part), 2006)

#### **1.05.050 Time Limitation**

The claim for any cause of action specified in Section 1.05.030 shall be presented in the manner provided in Section 1.05.070 of this chapter as applicable and shall be presented and processed as provided by Chapters 1 and 2 of Part 3 of Division 3.6 of Title 1 of the Government Code insofar as said provisions are not in conflict with this chapter. A claim relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented not later than six months

after accrual of the cause of action. A claim relating to any other cause of action shall be presented not later than one year after the accrual of the cause of action. Each claim shall be verified by the person who claims to be entitled to be paid the money or damages or by his or her guardian, conservator, executor, or administrator. (Ord. 115 §1 (part), 2006)

#### **1.05.060 Late Filing of Claims**

In accordance with Section 935 of the Government Code, the late filing of claims pursuant to this chapter is regulated by Sections 911.4 to 912.2, inclusive, of the Government Code. (Ord. 115 §1 (part), 2006)

#### **1.05.070 Claim Form**

Claims under this chapter shall be filed as specified in this section:

- A. Any claim for salaries and wages of District officers and employees shall be presented to the Auditor in the number and on the forms prescribed by the Auditor. The claim shall be certified by the head of the department or office in which the officer or employee is employed.
- B. Any claim for mileage, travel and other expenses of District employees shall be presented to the Auditor on forms prescribed by the Auditor. The claim shall be signed by the claimant and certified by the head of the department or office whose appropriations are charged with the expenditure.
- C. Any claim for transportation of District officers or employees, or other authorized persons, payable to public carriers, shall be presented to the Auditor on forms prescribed by the Auditor. The claims shall be certified by the officer whose appropriations are charged with the expenditure.
- D. Any claim for principal or interest shall be based solely upon presentation of the matured bond, interest coupon, or other evidences of indebtedness.
- E. Any claim by the State or a department or agency of or by another public entity relating to a cause of action for death or for injury to person or to personal property or growing crops shall be presented to the Clerk of the District. Any other claim by the State or a department or agency thereof or by another public entity shall be presented to the Auditor on forms prescribed by the Auditor and such claim shall be certified by the officer directing the expenditure, where appropriate.
- F. Wherever in this section certification of a claim is required to be made by the head of a department or office, it shall be deemed to include certification by his designated subordinate; wherever in this section certification is required on a claim, the claimant shall present the claim to the designated officer for certification before presentation to the Auditor or Risk Manager, but if within ten days after presentation to such officer the officer has failed or refused to certify the claim, the claimant may present the uncertified claim to the Auditor or Risk Manager, including thereon an appropriate notation showing presentation to the designated officer and his failure or refusal to certify.

- G. As an alternative procedure to that specified in this section for the filing of any of the foregoing claims, any claimant of a claim under this chapter may file such claim with the Clerk of the District on the form provided by the Auditor or risk manager but need not obtain certification of the claim prior to such filing.
- H. Whenever, as prescribed in subsection A of this section, certification of a claim is required to be made by the head of a department or office for salaries and wages of County officers and employees and a state of extreme emergency, state of disaster, or state of local disaster exists as defined in Chapter 2.26 of this code, including an emergency resulting from a labor controversy, during the period of such state of extreme emergency, state of disaster, or state of local disaster, including an emergency resulting from a labor controversy, it will be presumed in absence of receipt by the Auditor of information to the contrary that no change in the payroll status of the County officers and employees in the department or office has occurred and that work by the officers and employees has been performed during normal working hours. In such event, salaries and wages of such County officers and employees may be paid without a certification of a claim from the head of the Department or office as otherwise provided. Any amounts paid in excess of salaries and wages due and owing to such County officers and employees by reason of this provision shall be recovered by the County from such County officers and employees in the same manner as other overpayments for salaries and wages are recovered. (Ord. 115 §1 (part), 2006)

#### **1.05.080 Auditor's Duties**

The Auditor shall audit and allow or reject claims presented to the Auditor under Section 1.05.070(A) through (D) in lieu of and with the same effect as allowance or rejection by the Board. (Ord. 115 §1 (part), 2006)

#### **1.05.090 Time for Action by District Officers and Claimant**

The District Engineer or Board of Directors shall act upon any claim filed pursuant to this chapter within the time prescribed by Section 912.4 of the Government Code and in the manner prescribed by Section 912.6 of that code for action by a Board, and the failure or refusal of the District Engineer or Board of Directors to act on a claim shall be the effect stipulated in said Section 912.4. Any action brought by the claimant in the cause of action set forth in any claim filed pursuant to this chapter shall be brought within the time specified in Section 945.6 of the Government Code. (Ord. 115 §1 (part), 2006)

#### **1.05.100 Reexamination of Rejected Claims**

The District Engineer or Board of Directors may, in their discretion, within the time prescribed by Section 945.6 of the Government Code for commencing an action on the claim, reexamine a previously rejected claim within their jurisdiction in order to consider settlement of the claim in accordance with Section 913.2 of the Government Code. (Ord. 115 §1 (part), 2006)

#### **1.05.110 Contract Claims**

In accordance with the authorization granted by Section 930.2 of the Government Code, the following procedure may be made applicable to the presentation and processing of claims arising out of or relating to contracts and agreements to which the District is a party.

- A. **Time Limitation.** A claim under this chapter based upon the accrual of a cause of action arising from a purchase order or other agreement of the District shall be presented in the manner

- B. provided in subsections B and C of this section not later than one year after the accrual of the cause of action. For the purpose of computing the time limit prescribed by this section, the date of accrual of a cause of action, which is the subject matter of a claim, is the date upon which the cause of action accrued within the meaning of the applicable statute of limitations, as defined by Section 901 of the Government Code.
- C. **Claim Form–Purchase Order Forms.** The presentation of claims for materials or services furnished in compliance with purchase orders issued by the District shall be as follows:
1. The claimant shall file one copy of his invoice with the Auditor, Room 100, County Government Center, Santa Cruz CA 95060.
  2. The invoice shall show the following:
    - a. The date service was rendered or materials furnished;
    - b. The purchase order reference under which the materials or services were furnished;
    - c. The claimant's name and post office address to which the remittance is to be mailed;
    - d. A detail of the items invoiced, the unit price, sales tax where applicable, and the total amount claimed.
  3. The Auditor shall, prior to payment of the invoice, secure the certification of the ordering department of receipt of goods in compliance with the purchase order.
- D. **Claim Form–Agreements Other Than Purchase Orders.** If the claim is based upon an agreement other than a purchase order, the claim shall be completed by the claimant by filling in all applicable blanks and shall be presented by the claimant to the Auditor or to the officer or agent to whom the Board has given responsibility for administrative supervision of the contract performance in triplicate, on forms furnished or approved by the Auditor. A claim may be filed by mail but will not be deemed filed unless and until its actual receipt by the Auditor or other authorized officer or agent. The Auditor shall secure certification of performance by the administering officer or agent prior to the payment of the claim.
- E. **Action on Contract Claims.** If the claim is based upon a purchase order or if the claim is based upon a contract other than a purchase order, it shall be acted upon by the Auditor within the time prescribed by Section 912.4 and in the manner prescribed by Section 912.6 of the Government Code for action by the Board of a local public entity. Should the Auditor fail or refuse to act upon the claim, his failure or refusal shall have the effect of the failure or refusal of a Board to act as specified in said Section 912.4. Any action brought by the claimant on the cause of action set forth in the claim shall be brought within the time specified in Section 945.6 of the Government Code. Should the Auditor reject any claim in whole or in part, he shall promptly report in writing thereon to the Board. Any claim which is not within the authority of the Auditor to allow under the provisions of Article 2 of Chapter 4, Division 3, Title 3 of the Government Code (commencing with Section 29740) shall not be acted upon by the Auditor but

- F. shall be verified for mathematical errors by the Auditor, pre-audited and referred to the Board for action. Sections 911.4 to 912.2 of the Government Code shall apply to all claims under this section.
- G. **Action on Certain Car Rental Agreement Claims.** Notwithstanding subsections B, C and D of this section, claims for damages to rental cars under contracts or agreements with the County where collision damage waivers are declined shall be administered by the District Engineer, subject to the same settlement authority authorized for settlement of tort liability claims under Section 1.05.130. (Ord. 115 §1 (part), 2006)

#### **1.05.120 Waiver of Waiting Period**

The three-day waiting periods prescribed by Sections 29701 and 29742 of the Government Code for consideration of claims and issuance of warrants may be waived by the Auditor on any claims against the District for money or damages. (Ord. 115 §1 (part), 2006)

#### **1.05.130 Action on Liability Claims**

All tort liability claims required to be presented to the District under the provisions of the California Tort Claims Act of 1964 (Government Code Section 810, et seq.) or this chapter shall be filed with the Clerk of the Board of Directors.

- A. The District Engineer or his/her designee is authorized to allow, compromise, or settle any tort liability claim or other claim for damages or any legal action for damages that is filed against the District, its officers, or employees; provided:
  1. The amount to be paid pursuant to such allowance, compromise, or settlement, does not exceed fifteen thousand dollars and the allowance, compromise or settlement is approved by County Counsel; or the amount to be paid is greater than fifteen thousand dollars, but less than twenty-five thousand dollars and the allowance, compromise, or settlement is approved by the County Counsel and the District Engineer. If the amount to be paid exceeds twenty-five thousand dollars, the allowance, compromise, or settlement must be approved by the Board of Directors.
  2. The claim or action is not subject to the terms of an insurance policy wherein the insurer is granted the authority to allow, deny, compromise or settle claims or actions within the scope of such policy.
- B. In all claims or actions that are allowed, compromised, or settled, the Auditor-Controller will be responsible upon written order of the County Counsel, and in accordance with the terms of such allowance, compromise, or settlement, to cause the necessary warrant to be issued upon the treasury of the District in any amount for which such tort liability claim or action has been allowed, compromised, or settled pursuant to this section. (Ord. 115 §1 (part), 2006)

**Chapter 1.08**

**OFFICIAL SEAL**

**Sections:**

1.08.010 Designated

**1.08.010 Designated**

An official seal shall be, and the same is adopted for the County Sanitation District, to consist of an impression made with a seal press, the inscription of which shall be the following:

SANTA CRUZ COUNTY SANITATION DISTRICT  
SANTA CRUZ COUNTY, CALIFORNIA  
FORMED MAY 9, 1973

(SEAL)

(Ord. 2 §1, 1973)

## Chapter 1.10

### APPEALS OF ACTIONS BY THE DISTRICT ENGINEER AND STAFF

#### Sections:

Section 1.10.010	Purpose
Section 1.10.020	Right to Appeal
Section 1.10.030	Effect of Appeal
Section 1.10.040	Appeal Scheduling
Section 1.10.050	Appeal Hearing
Section 1.10.060	Finality of Decision

#### **1.10.010 Purpose**

The purpose of this chapter is to allow appeals of all decisions made by the District Engineer, where a specific mechanism for appeal does not exist elsewhere in the District Code. (Ord. 119 § 1, 2009)

#### **1.10.020 Right to Appeal**

In the event that any person or property owner is dissatisfied with any order or determination made by the District Engineer, that is not covered by a specific appeal provision contained elsewhere in the District Code, that person or property owner may, within 14 days of the date of service of that order or determination file an appeal to the Board of Directors. The appeal shall be filed with the Secretary of the Board. The appeal shall be in writing, be accompanied by the filing fee established by resolution of the Board and shall specify the grounds upon which the appeal is taken. When the appeal period ends on a day when the District offices are not open to the public for business, the time limits shall be extended to the next full working day. (Ord. 119 § 1, 2009)

#### **1.10.030 Effect of Appeal**

In the event an appeal is filed, the decision being appealed shall not be effective until the Board of Directors resolves the appeal. (Ord. 119 § 1, 2009)

#### **1.10.040 Appeal Scheduling**

An appeal shall be scheduled by the District Secretary for a hearing before the Board within 15 to 30 days, after receipt of the appeal, unless the appellant seeks a later date and time, or the Board is in a scheduled recess. If the Board is in a scheduled recess exceeding 30 days, the matter will be set for hearing at the next available scheduled Board meeting. (Ord. 119 §1, 2009)

#### **1.10.050 Appeal Hearing**

At the hearing the Board will review the record of the decision made, the appellant's written position and documentation and hear testimony from the appellant, the District Engineer, and any other interested party. After the hearing, the Board shall affirm, modify or revise the original decision. When a decision is modified or reversed, the Board shall state on the record the specific reasons for the reversal, or modification. The Secretary shall send a notice to the applicant within 7 days confirming the Board's decision. (Ord. 119 §1, 2009)

#### **1.10.060 Finality of Decision**

A decision by the Board shall become final on the date the decision is announced to the public. (Ord. 119 §1, 2009)

**Chapter 1.12****GENERAL PENALTY****Sections:**

1.12.010 Penalty Designated.

**1.12.010 Penalty Designated**

- A. Any person violating any of the provisions or failing to comply with any of the mandatory requirements of the ordinances of the Santa Cruz County Sanitation District shall be guilty of a misdemeanor unless the violation is made an infraction by ordinance.
- B. Except in cases where a different punishment is prescribed by any ordinance of the Santa Cruz County Sanitation District, any person convicted of a misdemeanor for violation of an ordinance of the District is punishable by a fine of not more than \$500, or by imprisonment not to exceed 6 months, or by both such fine and imprisonment.
- C. Any person convicted of an infraction for violation of an ordinance of the Santa Cruz County Sanitation District is punishable by:
  - 1. A fine not exceeding \$50 for a first violation;
  - 2. A fine not exceeding \$100 for a second violation of the same ordinance within one year;
  - 3. A fine not exceeding \$250 for each additional violation of the same ordinance within one year.
- D. This ordinance shall not apply to a violation of any ordinance adopted pursuant to the Vehicle Code of California.
- E. Each such person shall be guilty of a separate offense for each and every day during any portion of which any violation of any provision of the ordinances of the Santa Cruz County Sanitation District is committed, continued or permitted by any such person, and shall be punishable accordingly. (Ord. 66 §1.13, 1989)

**Title 2****ADMINISTRATION AND PERSONNEL****Chapters:**

- 2.04 Board of Directors
- 2.05 Local Hiring for District Projects

**Chapter 2.04****BOARD OF DIRECTORS****Sections:**

- 2.04.010 District Established
- 2.04.020 District Board–Membership
- 2.04.030 District Staff
- 2.04.040 District Engineer
- 2.04.050 Meetings–Schedule
- 2.04.060 Meetings–Special
- 2.04.070 Meetings–Adjournment
- 2.04.080 Meetings–Place
- 2.04.090 Meetings–Rescheduling for Holiday
- 2.04.100 Meetings–Order of Business
- 2.04.110 Rules of Proceedings
- 2.04.120 District Office–Mailing Address
- 2.04.130 Compensation–Traveling Expense
- 2.04.140 Contracting for Construction, Maintenance or Repair Work
- 2.04.150 Rate Setting
- 2.04.160 Assessment Districts
- 2.04.170 Assessment Proceedings
- 2.04.180 Bonds
- 2.04.190 Taxes
- 2.04.200 Collection of Taxes
- 2.04.210 District Funds–Establishment
- 2.04.220 Money Disbursement
- 2.04.230 Sewage Treatment Responsibility
- 2.04.240 Incidental Powers
- 2.04.250 Powers Not Exclusive

**2.04.010 District Established**

The Santa Cruz County Sanitation District was established in May 1973 as a consolidation of the East Cliff Sanitation District, the Capitola Sanitation District and the Aptos Sanitation District. (Ord. 1 §2.1, 1973)

**2.04.020 District Board–Membership**

The Board of Directors of the District is a three-member Board comprised as follows:

- A. One Director, who shall act as the Chairman of the Board, shall be a member of the Capitola City Council. An alternate Director, who shall also be a member of the Capitola City Council, shall serve as a Director during the regular Director's absence, inability or refusal to act.
- B. One Director shall be a member of the Santa Cruz County Board of Supervisors representing the Second Supervisorial District.
- C. One Director shall be a member of the Santa Cruz County Board of Supervisors representing the First Supervisorial District.
- D. All Directors and the alternate Director are appointed by their respective governing Boards.
- E. The office of Vice-Chair shall rotate between the two Supervisorial Districts, with the First District representative holding this office during even-numbered years and the Second District representative holding this office during odd-numbered years. (Ord. 113 §1, 2006; Ord. 92 §1, 1998)

**2.04.030 District Staff**

The District shall utilize the services of County departments, including: Assessor-Auditor-Controller-Treasurer-Tax Collector, County Counsel, Planning, Public Works, and Purchasing. (Ord. 1 §2.3, 1973)

**2.04.040 District Engineer**

The County Director of Public Works shall be the District Engineer. His duties shall include, without being limited to, the supervision of all administrative matters relative to operations, maintenance and repairs of the sewerage works of the District, the preparation of all plans and specifications prepared by an installer's engineer, and the inspection of all sewerage projects for the District. The District Engineer shall be licensed in accordance with the laws of the State of California. (Ord. 1 §2.4, 1973)

**2.04.050 Meetings–Schedule**

The regular meetings of the Board of Directors of the Santa Cruz County Sanitation District shall hereafter be set by resolution at the last meeting of the calendar year (December meeting) for the upcoming calendar year. In general, there shall be two meetings a month, except for the months of November and December, for which there shall be one meeting only. The time for all meetings shall be set on the same resolution. (Ord. 107 §1, 1993; Ord. 69 §1, 1991; Ord. 44 §1, 1984; Ord. 26 §1, 1979; Ord. 1 §1.1, 1973)

**2.04.060 Meetings–Special**

Special meetings of the Board of Directors shall be held upon call of the Chairman of the Board, or by two members thereof, by delivering personally or by mailing written notice to each member, and to each local newspaper of general circulation, radio or television station, requesting notice in writing. Such notice must be delivered personally or by mail no less than 24 hours before the time of such meeting as specified in the notice. Such written notice may be dispensed with as to any member who at or prior to the time the meeting convenes files with the Secretary of the District a written waiver of notice. Such waiver may be given by telegram. Such written notice may also be dispensed with

as to any member who is actually present at the meeting at the time it convenes. Such call and notice shall specify the time and place of the special meeting and the business to be transacted. No other business shall be considered at such meetings. (Ord. 1 §1.2, 1973)

#### **2.04.070 Meetings–Adjournment**

The Board of Directors may adjourn any regular, adjourned regular, special or adjourned special meeting to a time and place specified in the order of adjournment. Less than a quorum may so adjourn from time to time. If all members are absent from any regular or adjourned regular meeting, the District Secretary may declare the meeting adjourned to a stated time and place and shall cause written notice of the adjournment to be given in the same manner as provided in Section 2.04.060 for the calling of special meetings, unless such notice is waived as provided for special meetings. A copy of the order or notice of adjournment shall be conspicuously posted on or near the door of the place where the regular, adjourned regular, special, or adjourned special meeting was held within 24 hours after the time of the adjournment. When a regular or adjourned regular meeting is adjourned as provided in this section, the resulting adjourned regular meeting is a regular meeting for all purposes. When an order of adjournment of any meeting fails to state the hour at which the adjourned meeting is to be held, it shall be held at the hour specified for regular meetings. (Ord. 1 §1.3, 1973)

#### **2.04.080 Meetings–Place**

All meetings of the Board of Directors shall be held in the meeting room of the District's East Cliff Station at 2750 Lode Street, off 26th Avenue, in Santa Cruz, California 95062, except the second meeting in June, which shall be held in the Public Works department on the 4th Floor, County Government Center, 701 Ocean Street, Santa Cruz, California, unless, in either case, they shall adjourn to or fix another place of meeting in a notice to be given thereof. If, by reason of fire, flood, earthquake, or other emergency, it shall be unsafe to meet in the place designated, the meetings may be held for the duration of the emergency at such place as is designated by the presiding officer of the Board. (Ord. 51 §1, 1986; Ord. 44 §1, 1984; Ord. 1 §1.4, 1973)

#### **2.04.090 Meetings–Rescheduling for Holiday**

In the event that any date fixed for a regular meeting of the Board shall fall on a holiday, then the meeting appointed for such day shall be held on the next regular business day which may not be a holiday, at the same hour specified for the meeting to be held. (Ord. 1 §1.5, 1973)

#### **2.04.100 Meetings–Order of Business**

The order of business at the regular meetings of the Board shall be as follows:

- A. Roll call;
- B. Approval of minutes;
- C. Communications;
- D. Allowance of claims;
- E. Unfinished business;
- F. New business;
- G. Adjournment. (Ord. 1 §1.6, 1973)

#### **2.04.110 Rules of Proceedings**

- A. **Public Meetings.** All legislative sessions of the Board, whether regular or special, shall be open to the public.

- B. **Quorum.** A majority of the members of the Board shall constitute a quorum for the transaction of business.
- C. **Hearing–Continuance.** Any hearing being held, or noticed or ordered to be held, by the Board at any meeting may by order or notice of continuance be continued or reconvened to any subsequent meeting of the Board in the same manner and to the same extent set forth in subsection D of this section, for the adjournment of meetings; provided, that if the hearing is continued to a time less than 24 hours after the time specified in the order or notice of hearing, a copy of the order or notice of continuance of hearing shall be posted immediately following the meeting at which the order or declaration of continuance was adopted or made.
- D. **Method of Action.** The Board shall act only by ordinance, resolution or motion, which, to become effective, shall be adopted by at least a majority of its members in public meeting.
- E. **Recording Vote.** Except where action shall be taken by unanimous vote of all members present and voting, and "ayes" and "noes" shall be taken on all actions had.
- F. **Ordinances.** The enacting clause of all ordinances passed by the Board shall be in these words: "The Board of Directors of the Santa Cruz County Sanitation District DO ORDAIN as follows." All ordinances of the Board shall be signed by the Chairman of the Board of Directors and attested by the Secretary.
- G. **Contracts.** All contracts on behalf of the District shall be signed by the Chairman and attested by the Secretary after having been authorized to do so by the action of the Board.
- H. **Robert's Rules.** Except as otherwise provided herein, meetings of the Board of Directors shall be conducted in conformity with Robert's Rules of Order. (Ord. 1 §1.7, 1973)

#### **2.04.120 District Office–Mailing Address**

The District office and mailing address is fixed and established at: 701 Ocean Street, Santa Cruz, California 95060. (Ord. 1 §1.8, 1973)

#### **2.04.130 Compensation–Traveling Expense**

The compensation of each member of the Board of Directors for services for each meeting of the District Board attended by him or her is fixed at \$100 for each meeting of the District Board attended by him or her, or for each day's service rendered as a member by request of the Board, not to exceed a total of 6 days in any calendar month, together with any expenses incident thereto. (Ord. 55 §1, 1987; Ord. 16 §1, 1975; Ord. 1 §1.9, 1973)

#### **2.04.140 Contracting for Construction, Maintenance, Repair Work, or Independent Contractor Work**

- A. When the expenditure required for the work exceeds \$35,000, it shall be contracted for and let to the lowest responsible bidder after notice. The notice inviting bids shall set a date for the opening of bids. The first posting of the notice shall be at least 10 days before the date of opening the bids. Notice shall be posted in at least 3 public places in the District that have been

- B. designated by the District Board as the places for posting such notice. The notice shall distinctly state the work to be done.
- C. In its discretion, the District Board may reject any bids presented and re-advertise. If two or more bids are the same and the lowest, the District Board may accept the one it chooses. If no bids are received, the District Board may have the work done without further bid.
- D. If all bids are rejected, the District Board, on a resolution adopted by a four-fifths vote, may declare that the work can be performed more economically by day labor, or the materials or supplies furnished at a lower price in the open market and may have the work done in a manner stated in the resolution in order to take advantage of this lower cost.
- E. If there is a present or anticipated great public calamity, as an extraordinary fire, flood, storm, or other disaster, the District Board may, by resolution adopted by a four-fifths vote declaring that the public interest and necessity demand immediate expenditure of public money to safeguard life, health, or property, expend any sum required in the emergency without submitting such expenditure to bid.
- F. Any Construction, Maintenance, Repair, or Independent Contractor Work in an amount less than \$35,000 may be accomplished by purchase order. (Ord. 136, §1, 2017; Ord. 131, §2, 2016; Ord. 66 §2 (part), 1989; Ord. 16 §2, 1975; Ord. 1 §2.5, 1973)

#### **2.04.150 Rate Setting**

The District may, by an ordinance approved by a two-thirds vote of the Board, prescribe, revise and collect fees, tolls, rates, rentals, and other charges, including connection charges, for services and facilities furnished by it (Health & Safety Code Section 5473). (Ord. 1 §2.6, 1973)

#### **2.04.160 Assessment Districts**

Except as to State highways where the State Highway Engineer refuses to issue a permit, with the consent of the legislative body having jurisdiction of the territory within which it is proposed so to do, expressed by resolution of such governing body, the Board may order the construction of sewers and appurtenances in the whole or any portion of any of the streets, highways or public places of the District, or in property or in rights-of-way owned by the District, and acquire or construct trunk and collection lines and laterals, sewage disposal and treatment plants, and acquire rights-of-way, and easements therefore, and may provide that the cost shall be assessed upon the fronting lots and lands or upon a Special District (Health & Safety Code Section 4770). (Ord. 1 §2.7, 1973)

#### **2.04.170 Assessment Proceedings**

The Improvement Act of 1911, the Municipal Improvement Act of 1913, and the Improvement Bond Act of 1915 are applicable to the District. (Ord. 66 §2 (part), 1989; Ord. 1 §2.8, 1973)

#### **2.04.180 Bonds**

The Board may issue bonds to acquire, construct, reconstruct, alter, enlarge, lay, renew, replace, maintain and operate sewerage works and related facilities. Such bonds may be issued in accordance with the provisions of the State Health & Safety Code and such other provisions of law as may be applicable. (Ord. 1 §2.9, 1973)

**2.04.190 Taxes**

The District may cause to be levied and collected taxes upon all the taxable real property in the District sufficient to meet the obligations evidenced by its bonds, to maintain the works of the District and to defray all other expenses incidental to the exercise of the District powers (Health & Safety Code Section 4747). (Ord. 1 §2.10, 1973)

**2.04.200 Collection of Taxes**

Taxes shall be collected with the general taxes of the County and shall be collected at the same time and in the same manner as County taxes (Health & Safety Code Section 4816). (Ord. 1 §2.11, 1973)

**2.04.210 District Funds—Establishment**

District money shall be deposited with the County Treasurer into those funds established by the County Auditor-Controller at the request of the District Board of Directors. (Ord. 1 §2.12, 1973)

**2.04.220 Money Disbursement**

District money shall be disbursed in the same manner as all other payments made by the County Auditor-Controller. (Ord. 1 §2.13, 1973)

**2.04.230 Sewage Treatment Responsibility**

The Board shall provide for sewage treatment and disposal as may be necessary to effectuate this chapter by construction of treatment plant and disposal facilities, or by agreement as user, or as joint owner with other County or City agencies, or a combination of both, as it may deem to the best interests of the District. (Ord. 1 §2.14, 1973)

**2.04.240 Incidental Powers**

The Board may do any act necessary or proper to the complete exercise and effect of any of the powers of the District or for the purposes for which it was formed. (Ord. 1 §2.15, 1973)

**2.04.250 Powers Not Exclusive**

The enumeration of any power in this chapter is not intended to exclude the ability of the Board to exercise any other power which it may lawfully exercise. (Ord. 1 §2.16, 1973)

## Chapter 2.05

### LOCAL HIRING FOR DISTRICT PROJECTS

#### Sections:

2.05.010	Findings and Purpose
2.05.020	Definitions
2.05.030	Local Hiring Requirements
2.05.040	Required Documentation
2.05.050	Forms Submitted Under Penalty of Perjury
2.05.060	Binding on Subcontractors
2.05.070	Declaration of Nonresponsive Bidder
2.05.080	Declaration of Irresponsibility
2.05.090	Finding of Noncompliance
2.05.100	Disqualification
2.05.110	Contracts, Bid Documents and Subcontracts
2.05.120	Bid Protests
2.05.130	Appeals
2.05.140	Appeal Time Limits
2.05.150	Initiation of Appeals
2.05.160	Appeal Procedure
2.05.170	Rules and Regulations

#### **2.05.010 Findings and Purpose**

A. **Findings.** The Board of Directors of the Santa Cruz County Sanitation District finds and declares as follows:

1. The annual average unemployment rates in Santa Cruz County are consistently higher than in California as a whole. Seasonal impacts from the agricultural, retail and visitor serving industries in the County lead to a fluctuating unemployment rate throughout the year. This points to the need for economic diversification to provide more year-round employment for County residents.
2. The Santa Cruz County economy is characterized by small, locally owned and operated firms. The State estimates over eighty percent of County businesses employ less than twenty people. In the construction sector, a majority of the firms are very small; approximately seventy-five percent have less than five employees.
3. The State reports that construction firms in Santa Cruz County employ about four thousand people and generate about thirty million dollars in payroll to the Monterey Bay economy. But compared to statewide averages, the County has a lower concentration of jobs in construction.

4. Given the high cost of living in Santa Cruz County, a single parent with two children, one in elementary school, the other pre-school age, would need to earn a wage in excess of seventeen dollars per hour, full time, to no longer need government subsidies. The construction industry can provide a family supporting wage. Statewide, the average hourly wage is in excess of twenty dollars per hour for construction workers.

- B. **Purpose.** The purpose of this chapter is to encourage contractors who receive District construction contracts to hire residents of the Monterey Bay Area in order to provide job opportunities to County residents, expand the County's employment base and lessen the drain on public assistance resources caused by high unemployment. (Ord. 97 §1 (part), 1999)

### 2.05.020 Definitions

Unless the context otherwise requires, the following definitions shall govern the construction of this chapter:

- "Contractor" means any person or entity, which, pursuant to a written agreement or purchase order, provides labor or materials on Sanitation projects for the District.
- "Days" means calendar days unless otherwise specified.
- "Qualified individual" means an individual who is in a certified State or Federally approved apprenticeship program in an applicable trade or has become a journeyman in his or her applicable trade. A journeyman shall demonstrate proof of five years of experience in each applicable trade by declaring under penalty of perjury that his or her sworn statement of experience is complete and correct.
- "Monterey Bay Area" means Santa Cruz County, Monterey County and San Benito County.
- "Sanitation project" means any project of the District of twenty-five thousand dollars or more which is required by Section 2.04.140 to be subject to formal bidding procedures.
- "Resident of the Monterey Bay Area" means an individual who is domiciled within the boundaries of the Monterey Bay Area at the time immediately preceding the advertisement of the bid for a project, who can verify his or her domicile upon request of the contractor or District by producing documentation such as rent/lease agreement, telephone and utility bills or payment bills, a valid California driver's license or identification card, and/or any other similar, reliable evidence that verifies that the individual is domiciled within the Monterey Bay Area. A worker who is a building trade journey person or building trade apprentice whose local hiring hall has jurisdiction over the Monterey Bay Area is also deemed a resident of the Monterey Bay Area.
- "Subcontractor" means any person or entity, which, pursuant to an agreement or purchase order with a District contractor or another subcontractor, participates in the provision of labor or materials on Sanitation projects for the District. (Ord. 97 §1 (part), 1999)

**2.05.030 Local Hiring Requirements**

Unless such provision would conflict with a State or Federal law or regulation applicable to a particular contract for a Sanitation project, all District contracts for a Sanitation project shall contain provisions pursuant to which the contractor promises to make a good faith effort, with the assistance of local labor union hiring halls, to hire qualified individuals who are residents of the Monterey Bay Area in sufficient numbers so that no less than fifty percent of the contractor's total construction work force, including any subcontractor work force, measured in labor work hours is comprised of Monterey Bay Area residents. (Ord. 97 §1 (part), 1999)

**2.05.40 Required Documentation**

- A. The contractor shall keep an accurate record on a standardized form showing the name, place of residence, trade classification, hours employed, proof of journey person or apprenticeship status, per diem wages, and benefits of each person employed by the contractor, and the contractor's subcontractors, on the specific Public Works project, including full-time, part-time, permanent, and temporary employees, and make such records available to the District, upon request, within five working days.
- B. The contractor shall keep, and provide to the District, on forms acceptable to the District, an accurate record documenting compliance with this chapter. Said records shall include: a listing by name and business address of all local recruitment sources contacted by the contractor, the date of the local recruitment contact and the identity of the person contacted, the trade and classification and number of hire referrals requested, the number of local hires made as a result of the contact, and the identity of the business address of the person(s) hired pursuant to the contact. (Ord. 97 §1 (part), 1999)

**2.05.050 Forms Submitted Under Penalty of Perjury**

All forms required under this chapter shall be attested to as true as to the information set forth therein and shall be submitted under penalty of perjury. (Ord. 97 §1 (part), 1999)

**2.05.060 Binding on Subcontractors**

- A. The good faith local hiring provisions of this chapter shall bind the contractor both with respect to persons hired directly by the contractor and to all persons hired by the contractor's subcontractors. The contractor shall be responsible for assuring that all subcontractors document said compliance by submitting the forms required by Section 2.05.040 to the District.
- B. The contractor shall include the following language and a copy of the ordinance codified in this chapter as may be amended from time to time in all contracts with the contractor's subcontractors:

"This contract is for labor or materials for a Santa Cruz County Sanitation District project. As a subcontractor on a District project, you are required to comply with all of the requirements of the Santa Cruz County Sanitation District local hiring preference ordinance, District Code Chapter 2.05, attached hereto and incorporated herein by reference. Failure to comply with the provisions of the local hiring preference ordinance

may subject the contractor and/or subcontractor to disqualification from eligibility for Santa Cruz County Sanitation District contracts." (Ord. 97 §1 (part), 1999)

#### **2.05.070 Declaration of Nonresponsive Bidder**

Should any bidder or its subcontractor fail to comply with the good-faith local hiring provisions of this chapter, in its bid submissions prior to award, the bidder shall be declared by the District to be a nonresponsive bidder. (Ord. 97 §1 (part), 1999)

#### **2.05.080 Declaration of Irresponsibility**

Where a District contractor or subcontractor has failed, or the District has cause to believe a bidder shall fail, to abide by a material term of the District contract, applicable prevailing wage laws called for by the contract, other applicable laws governing labor standards or working conditions, any of the provisions of this chapter applicable to contractors or subcontractors, or any of the other provisions of the code which expressly reference the sanctions provided for in this chapter, said contractor, subcontractor or bidder pursuant to procedures outlined in Section 2.05.090, shall be declared an irresponsible contractor. (Ord. 97 §1 (part), 1999)

#### **2.05.090 Finding of Noncompliance**

If the District Engineer has cause to believe that any contractor or subcontractor has violated this chapter or that any bidder shall not perform the contract in compliance with this chapter, the District Engineer may conduct an investigation. If, upon investigation, the District Engineer determines that evidence exists to conclude that a violation of this chapter has occurred, or that cause exists to indicate a bidder will fail to perform the contract, the District Engineer, after consultation with the District Counsel, or his or her designee, shall make a written finding of noncompliance which shall include a declaration of irresponsibility. The written finding of noncompliance shall provide the contractor, subcontractor or bidder with an opportunity to appeal the finding of noncompliance to the District Board of Directors in accordance with Section 2.05.130 et seq. of this code. If the Board concurs with the finding of noncompliance, it shall affirm that finding along with the declaration of irresponsibility contained therein. The decision of the District Board of Directors shall be final. (Ord. 97 §1 (part), 1999)

#### **2.05.100 Disqualification**

Any contractor, subcontractor or bidder declared to be irresponsible pursuant to the provisions of this chapter shall be disqualified from eligibility for providing goods, labor, materials, or services to the District for a period of one year for the first violation and three years for a second, with a right of review and reconsideration by the Board of Directors after two years upon a showing of corrective action indicating violations are not likely to occur. (Ord. 97 §1 (part), 1999)

#### **2.05.110 Contracts, Bid Documents and Subcontracts**

- A. Contracts and bid documents shall incorporate this chapter by reference and shall provide that the failure of any contractor or subcontractor to comply with any of its requirements shall be deemed a material breach of contract or subcontract.
- B. Contracts and bid documents shall require bidders, contractors and subcontractors to maintain and submit records necessary for monitoring their compliance with this chapter. (Ord. 97 §1 (part), 1999)

**2.05.120 Bid Protests**

Any contractor who has submitted a bid but is not apparent lowest responsible bidder on a District contract or any trade association representative on behalf of potential workers of the contractor may file a protest. The bid protest shall be filed with the County Clerk within three working days of the bid opening. The Board of Directors shall hear the bid protest prior to the execution of the contract. The protesting party may protest the bid award for the District's or successful bidder's failure to comply with the requirements of this chapter, the bid documents or any other applicable provision of this code. The Board shall sustain a bid protest only if it finds evidence that award of the bid would violate the code or other applicable law. The decision of the Board shall be final. (Ord. 97 §1 (part), 1999)

**2.05.130 Appeals**

To avoid results inconsistent with the purposes of this chapter, decisions of the District Engineer or District Counsel, other than bid protests which are heard separately under Section 2.05.120 may be appealed by the affected contractor to the Board of Directors. (Ord. 97 §1 (part), 1999)

**2.05.140 Appeal Time Limits**

- A. **Appeals by Contractor.** Appeals of decisions shall be initiated within ten days of the decision. The District shall be considered an interested party.
- B. **Time Limits.** When the appeal period ends on a day when the District offices are not open to the public for business, the time limits shall be extended to the next full working day. (Ord. 97 §1 (part), 1999)

**2.05.150 Initiation of Appeals**

- A. **Filing of Appeals.** An appeal shall be filed with the Secretary of the Board of Directors on a form provided and shall state, as appropriate, any of the following:
  - 1. A determination or interpretation is not in accord with the purpose of this chapter;
  - 2. There was an error or abuse of discretion;
  - 3. The record includes inaccurate information; or
  - 4. A decision is not supported by the record.
- B. **Effect on Decisions.** Decisions that are appealed shall not become effective until the appeal is resolved. (Ord. 97 §1 (part), 1999)

**2.05.160 Appeal Procedure**

- A. **Appeal Hearing Date.** An appeal shall be scheduled for a hearing before the Board within thirty days of the District's receipt of an appeal unless the contractor and District consent to a later date.

- B. **Notice and Public Hearing.** An appeal hearing shall be a public hearing. Notice of the public hearing shall be mailed or delivered to the contractor within ten days.
- C. **Hearing.** At the hearing, the Board shall review the record of the decision and hear testimony of the contractor and any other interested party.
- D. **Decision and Notice.** After the hearing, the Board shall affirm, modify or revise the original decision. When a decision is modified or reversed, the Board shall state the specific reasons for modification or reversal. The Secretary of the Board of Directors shall mail notice of a Board decision. Such notice shall be mailed to the contractor within five working days after the date of the decision and to any other party requesting such notice.
- E. A decision by the Board regarding an appeal shall become final on the date the decision is announced to the public. (Ord. 97 §1 (part), 1999)

**2.05.170 Rules and Regulations**

The District Counsel shall prescribe rules, regulations and procedures relating to the application, administration and interpretation of the provisions of this chapter. The rules, regulations and procedures shall be consistent with the provisions of this chapter and may specify forms to be used. (Ord. 97 §1 (part), 1999)

**Title 3**

**REVENUE BONDS**

(RESERVED)

## Title 4

### BIDDING PROCUREMENT PROCEDURES

#### Chapters:

Chapter 4.01 Bidding Procedures for Public Projects

#### Sections

4.01.010 Adoption of Uniform Construction Cost Accounting Bidding Procedures

4.02.010 Low Cost Public Projects

4.03.010 Informal Bidding Procedures

4.04.010 Formal Bidding Procedures

4.05.010 Emergency Contract Bidding Procedures

**4.01.010 Adoption of Uniform Construction Cost Accounting Bidding Procedures**

The District has elected by resolution to become subject to State law known as the Uniform Public Construction Cost Accounting Act (the "Act"). Contracts for public projects, as defined by the Act in Section 22002 of the California Public Contract Code, that are within the limits listed in Section 22032 of the Code, shall be let to bid in accordance with the Act, the procedures promulgated by the State Controller, and this chapter.

**4.02.010 Low Cost Public Projects**

Public projects within the amount specified in Section 22032(a) of the Public Contract Code may be performed by County employees by force account, by negotiated contract, or by purchase order. Such public projects shall be authorized by the District Engineer.

**4.03.010 Informal Bidding Procedures**

- A. Public Projects within the amount specified in Section 22032(b) of the Public Contract Code shall be let to contract by informal procedures as set forth in this section, and in compliance with any other applicable sections of the Act.
  1. **Notice to Contractors.** Notice to contractors shall be provided in accordance with either paragraph (a) or (b), or both.
    - a. The District shall maintain a list of qualified contractors, identified according to categories of work. The list shall be developed and maintained in compliance with the specifications of the California Uniform Construction Cost Accounting Commission. All contractors on the list for the category of work being bid shall be mailed, faxed, or emailed a notice inviting informal bids unless the product or service is proprietary. All mailing of notices to contractors pursuant to this paragraph shall be completed not less than 10 calendar days before bids are due.
    - b. The District may elect to mail, fax, or email a notice inviting informal bids to all construction trade journals specified in Public Contract Code Section 22036.
  2. **Contents of Notice.** The notice inviting informal bids shall describe the project in general terms and explain how bidders may obtain more detailed information about the project. It shall also state the time and place for submission of bids.
  3. **Delegation of Authority.** The Board of Directors may delegate authority to award contracts pursuant to this section to the District Engineer. The District Engineer may sub-delegate said authority to award to designated District personnel.
  4. **Award of Contracts.** All District personnel with delegated authority under paragraph (3)

above may only award contracts if the following steps are followed:

- a. The District has made the final determination as to whether adequate competition has been sought;
  - b. District Counsel has reviewed the bidding procedure and contract; and
  - c. The person with delegated authority, and a licensed engineer, have reviewed and approved of by signature the plans, designs, specifications, and/or other information regarding the project's details in order to preserve the District's design immunity.
5. **Bids Over the Statutory Amount.** If all bids received are in excess of the maximum amount allowed by the Act for informally bid contracts, the District may award a contract to the lowest responsive, responsible bidder up to the maximum amount permitted by Public Contract Code section 22034(d) pursuant to if the Board of Directors determines pursuant to a two-thirds vote that the cost estimate is reasonable.
  6. **Change Orders.** Change orders are permitted provided that the maximum contract amount allowed for in the Act is not exceeded and sufficient budget authority is available to fund the overall contract affected by the change orders. All other change orders which are not consistent with this paragraph shall not be effective unless the standard bidding procedures of the Uniform Public Contract Code are followed, and the change order is approved by the Board of Directors.

#### **4.04.010 Formal Bidding Procedures**

Public projects within the amount specified in Section 22032(c) of the Public Contract Code shall be let to contract by the formal procedures set forth in the Act (see Public Contract Code section 22037 *et seq.*).

#### **4.05.010 Emergency Contract Bidding Procedures**

- A. Contracts for the performance of public projects that are entered into in order to address emergencies, as defined in Public Contract Code section 1102, shall be let to contract in compliance with provisions of Public Contract Code sections 22035 or 22050, whichever one is applicable, as they may be amended.
- B. Pursuant to Public Contract Code section 22050(b)(1), the District Engineer, or designee, may order any action necessary to repair or replace a public facility, take any directly related and immediate action required by that emergency, and procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts.

1. If the District Engineer, or designee, exercises the authority delegated hereunder to execute a contract for the performance of a public project or orders work to address an emergency, and that contract or work would otherwise be subject to competitive bidding, pursuant to Public Contract Code section 22050(c)(2), the District Engineer, or designee, shall report back to the Board of Directors at the next meeting of that body that is scheduled to occur after such work is ordered or contract executed, and at each scheduled meeting thereafter until such work is completed, or until the Board of Directors orders cessation of the work or action.
2. Pursuant to Public Contract Code section 22050(c)(2), the Board of Directors shall review any emergency action taken by the District Engineer, or designee, that would otherwise require competitive bidding, at its next regularly scheduled meeting and at every regularly scheduled meeting thereafter until the action is terminated, to determine, by a two-thirds vote, that there is a need to continue the action and that circumstances will not permit a delay resulting from a competitive solicitation for bids.

(Ord. 142, 2020)

**Title 5**  
**FEES AND CHARGES**

**Chapters:**

Chapter 5.04 Sewer Service and Connection Charges  
Chapter 5.08 Special Assessment Connection Charges

**Chapter 5.04**

**SEWER SERVICE AND CONNECTION CHARGES**

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## ARTICLE I. GENERAL PROVISIONS

### 5.04.010 Title

The ordinance codified in this chapter may be cited as the "Santa Cruz County Sanitation District Sewer Charge Ordinance." (Ord. 4 §1.11, 1973)

### 5.04.020 Purpose—Authority

The ordinance codified in this chapter is adopted pursuant to the authority of Article 7 (commencing with Section 5040) of Chapter 5 and Section 5470 through and including Section 5473.11 of Article 4 of Chapter 6, of Part 3, Division 5 of the Health & Safety Code of the State of California for the purpose of establishing, prescribing and fixing charges for services and facilities furnished by the District and charges for the privilege of connecting to the sewage facilities of the District. In addition, this chapter establishes procedures for the collection of charges, and prescribes penalties and remedies. (Ord. 4 §1.2, 1973)

### 5.04.030 Definitions

Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this code, have the meanings respectively ascribed to them by this section:

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health & Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health & Safety Code.

"Board" means the Board of Directors of the District.

"Charges" includes fees, tolls, rates, and rentals.

"Commercial facility" means any structure, premises, parcel, facility, or recreational vehicle park which is not a residential facility, an industrial facility or a school.

"District" means the Santa Cruz County Sanitation District.

"District Engineer" means the Director of the Department of Public Works of the County of Santa Cruz or any person designated by the Board.

"Industrial facility" means any structure, premises or facility used for manufacturing, processing or other industrial purposes.

"Residential facility" means:

1. Any single-family residence or other detached structure designed for occupancy by one family;

2. Any habitation unit or room or suite of rooms designed for occupancy by one family in a duplex, townhouse, condominium, apartment house, or other multiple dwelling unit; and
3. Any separate space of a mobile home park or trailer court.

"Secretary" means the Secretary of the District.

"Sewer service charge" means a charge for services or facilities furnished by the District in connection with its work including charges for the use and maintenance of the District works.

Water use, Historical. "Historical water use" means any past water usage measurement or calculation resulting in a record of payment of connection fees that are on file with the District.

"Works" includes sewage treatment plants, intercepting and collecting sewers, outfall sewers, force mains, pumping stations, ejector stations, and all other appurtenances necessary, useful or convenient for the treatment, purification, or disposal of sewage. (Ord. 137 §1, 2017; Ord. 98 §1, 2000; Ord. 40 §1 (part), 1983; Ord. 4 §1.3, 1973)

#### **5.04.040 Appeals**

In the event that any person is dissatisfied with any determination made by the District Engineer under this chapter, appeal therefrom may be taken within fifteen days after receipt of information concerning such determination from the District Engineer by filing written notice of appeal, stating the grounds thereof, with the Board. (Ord. 4 §1.4, 1973)

#### **5.04.045 Sewer Service Charge Appeal**

In the event that any commercial or industrial discharger feels that its wastewater characteristics are of a level of concentration less than those established by the District, that discharger may appeal to the District. Such appeal shall be in writing accompanied by Form 5.04.045 and a one-hundred-dollar application fee. (Ord. 73 §1, 1992)

#### **5.04.050 Payment Under Protest**

Any person may pay the charges established in this chapter under protest and bring an action against the Board in the Superior Court to recover any money which the Board refuses to refund. Payments made, and actions brought under this section, shall be made and brought in the manner provided for the payment of taxes under protest and actions for refund thereof in Article 2, Chapter 5, Part 9, Division 1 of the Revenue and Taxation Code insofar as those provisions are applicable. (Ord. 4 §1.5, 1973)

#### **5.04.060 Use of Proceeds—Restrictions**

Revenues derived under the provisions of this chapter shall be used only for the acquisition, construction, reconstruction, maintenance, and operation of the works of the District, to repay principal and interest on bonds issued for the construction or reconstruction of such works, including revenue bonds issued pursuant to Chapter 5 (commencing with Section 4950) of Part 3, Division 5 of the Health & Safety Code, and to repay Federal or State loans or advances made to the District for the construction or reconstruction of works; provided, however, that such revenue shall not be used for the acquisition or construction of new local street sewers or laterals as distinguished from main trunk interceptor, and outfall sewers. (Ord. 4 §1.6, 1973)

## ARTICLE II. CONNECTION CHARGES

### 5.04.070 Establishment

Sewer connection charges are established in the amounts set forth in this article for the privilege of connecting to the District works. (Ord. 4 §2.1, 1973)

### 5.04.080 New Facilities

The amount of the connection charge shall be determined in accordance with the following schedule:

- A. For each new residential facility, other than senior housing, including new facilities added to existing multiple dwellings; three thousand dollars, plus one hundred sixty-five dollars per fixture unit, where the number of fixture units exceeds eighteen, as determined and defined under the most recent published California Plumbing Code, Drainage Fixture Unit Values (DFU) Table. For each new accessory dwelling unit which has independent exterior access from the existing residence, has side and rear setback sufficient for fire safety, and is contained within the existing space of a single-family residence or accessory structure, no charge.
- B. (1) For any sewer connection permits issued on or after Monday, July 27, 1987, for each new senior residential facility, specifically constructed for low-income senior citizens, and for those particular affordable housing units specifically constructed for ownership by below-average-income households (as qualified on a case-by-case basis by the Board of Directors) within those categories as defined by the County Planning Department, twenty-five percent of the base charge described in subsection A of this sections, plus one hundred sixty-five dollars per fixture unit, where the number of fixture units exceeds twelve, as determined and defined under the most recent published California Plumbing Code Drainage Fixture Unit Values (DFU) Table. Any such senior or below-average affordable residential facilities beyond seventy-five units per year would be subject to further review and approval by the Board of Directors.  
  
(2) The Board has the authority to issue an interest-free loan, on such terms and conditions it deems reasonable, to the owners of affordable rental housing projects, provided that a condition of such loan include a provision that the loan is paid back in full if the project is refinanced or sold to a third party before the loan is paid in full to the District. The Board may elect to record a deed of trust with the County Recorder's office as a lien against the property.
- C. For each new commercial and industrial facility or parcel, twelve dollars multiplied by the estimated number of gallons of sewage discharged per day of average daily flow; provided, however, that the connection charge shall be not less than three thousand dollars; and provided further, that in the case of industrial facilities or parcels, in the event that the quality of waste discharge by an industrial facility or parcel is of such a character that it will impose a more than normal maintenance and operation burden on the District works, the amount of the connection charge beyond the above base charges for such industrial facility or parcel shall be determined by the Board.
- D. For each residential swimming pool or spa, two hundred dollars where "residential" is defined as not more than four dwelling units. For each commercial or multi-residential swimming pool, six hundred dollars where "multi-residential" is defined as five or more dwelling units.

- E. For each residential or commercial facility which existed within the District prior to October 3, 1972, fifty percent of the normal fee. (Ord. 139, 2019 (part); Ord. 137 §2, 2017 (part); Ord. 98 §2, 2000; Ord. 74 §1, 1992; Ord. 59 §1, 1987; Ord. 58 §1(part), 1987; Ord. 56 §1, 1987; Ord 53 §1, 1986; Ord. 52 §1 (part), 1986; Ord. 47 §1, 1984; Ord. 32 §1 (part), 1981; Ord. 18 §1 (part), 1977; Ord. 4 §2.2, 1973)

#### **5.04.090 Expanded Facilities**

The connection charges for additions to existing residential facility or parcels shall be one hundred sixty-five dollars per additional fixture unit and applied to the sum of existing and proposed fixture units in excess of eighteen fixture units in general, or twelve fixture units for senior housing connected under the terms of this chapter. The connection charge for expansion for use by existing commercial or industrial facilities or parcels shall be twelve dollars per additional gallon per day discharge with no minimum charge. (Ord. 98 §3, 2000; Ord. 58 §1 (part), 1987; Ord. 52 §1 (part), 1986; Ord. 32 §1 (part), 1981; Ord. 18 §1 (part), 1977; Ord. 4 §2.3, 1973)

#### **5.04.100 Flow Rate Determination**

The District Engineer shall determine flow rates to be applied to each facility under this article based on the California Plumbing Code or flow data provided by the owner of the facility and acceptable to the District Engineer. Historical water use shall be credited in cases where permits or records indicate that a certain amount of gallons per day has been previously paid. Such credit shall be applied to the parcel and percentages of that credit (in cases of tenant improvements, etc.) shall be divided according to the District's most recent portioning of the building or as submitted by the parcel owner and acceptable to the District. In each case such credit and flows shall be calculated in accordance with the District's procedures. (Ord. 139, 2019; Ord. 98 §4, 2000; Ord. 4 §2.5, 1973)

#### **5.04.110 Fixture Removal—No Credit Allowed**

No reimbursement shall be given for removal of existing fixture units of flow contributors. (Ord. 4 §2.4, 1973)

#### **5.04.120 Annual Increase**

The connection charges established in this chapter shall remain the same until reviewed and further increased by the Board of Directors. (Ord. 52 §1 (part), 1985; Ord. 32 §1 (part), 1981; Ord. 18 §1 (part), 1977; Ord. 4 §2.6, 1973)

#### **5.04.130 Payment Time**

- A. **Payment Due.** Except as outlined in this section, connection charges shall be due and payable at the time necessary building permits are obtained or, where no building permit is required prior to actual connection to the District's works. For mobile home parks, connection charges shall be paid prior to the time of the first connection of a mobile home space, for the total number of mobile home spaces permitted by the terms of the use permit for the mobile home park. The charge to be paid is the charge that is applicable at the time that the charge is paid, and the permit obtained.
- B. **Hardship Cases.** Where failing septic tank systems are certified as a health hazard and nuisance condition by the County health officer, and such sewer connection charges and other related

fees are required by the District in order to allow the connection, property owners may plead the payment of connection or the District fees creates a hardship. In hardship cases, staff shall evaluate the request for hardship exemption. All hardship applicants must initially apply for financial assistance for payment of the District fees to a lending institution and be rejected by that lending institution.

- C. **Installment Payments.** In hardship cases, sewer connection charges and other related fees required by the District in order to allow the connection, may be paid in installments over a fifteen-year period as provided by Section 5474 of the Health & Safety Code of the State of California. Said installment payments will be added to the District's sewer service charges for the connection and collected therewith along with the interest charges to be paid on the unpaid balance of such fees to be figured at eight percent per year, and that the amount of such fees or charges and interest thereon shall constitute a lien against the respective lots or parcels of land to which the facilities are connected at the time and in the manner specified in Sections 5473.5 and 5473.8 of the Health & Safety Code.
- D. **Appeal to Board of Directors.** In those cases that are denied hardship status by the District Engineer, the applicant may appeal the decision within ten days to the Board of Directors, whose two-thirds vote shall be final. The financial information submitted to the District in such cases shall be considered confidential. (Ord. 60 §1 (part), 1988; Ord. 27 §1, 1980; Ord. 4 §2.7, 1973)

#### **5.04.140 Temporary Mobile Home Sewer Connection**

- A. No sewer connection charge or other fee shall be made for a temporary sewer connection permit for a mobile home, travel trailer, or recreational vehicle to provide temporary housing for persons whose residence was rendered uninhabitable by the October 17, 1989 earthquake and its related after-shocks.
- B. Applicants must apply for the free temporary sewer connection permit in subsection A of this section on or before February 1, 1990 and must meet all District criteria for hookup to the sanitary sewer system. This free temporary sewer connection permit will not include any costs associated with the construction of the connection.
- C. The temporary sewer connection permit shall expire, and the temporary sewer connection shall be disconnected within twenty-four months from the date of issuance of the permit.
- D. This section shall expire and be of no further force or effect on February 1, 1992. (Ord. 67 §1, 1989; Ord. 4 §2.75, 1973)

### ARTICLE III. SEWER SERVICE CHARGES

#### 5.04.160 Establishment

Sewer service charges are established in the amounts set forth in this article for each facility which has a sewer connection with the works of the District or which discharges sewage that ultimately passes through the works of the District. (Ord. 11 §1 (part), 1974; Ord. 4 §3.1, 1973)

#### 5.04.180 Residential Facilities

- A. The sewer service charge for each townhouse or condominium for each of which a separate Assessor's parcel number has been assigned shall be \$731.76 per year.
- B. The sewer service charge for each unit of a multi-family dwelling on a single parcel, for which only one Assessor's parcel number has been assigned, shall be \$731.76 per year.
- C. The sewer service charge for each space of a mobile home park shall be \$628.20 per year.
- D. The sewer service charge for each single family dwelling shall be \$846.96 per year. (Ord. 144 §1, 2020; Ord. 143 §1, 2020; Ord. 140 §1, 2019; Ord. 138 §1, 2018; Ord. 135 §1 2017; Ord. 134 §1 2017; Ord. 133 §2, 2017; Ord. 132 §1, 2016; Ord. 130 §1, 2015; Ord. 129 §1, 2014; Ord. 127 §1, 2013; Ord. 126 §1, 2012; Ord. 125 §1, 2011; Ord. 122 §1, 2010; Ord. 120 §1, 2009; Ord. 118 §1, 2008; Ord. 117 §1, 2007; Ord. 114 §1, 2006; Ord. 109 §1, 2005; Ord. 106 §1, 2004; Ord. 104 §1, 2003; Ord. 102 §1, 2002; Ord. 100 §1, 2001; Ord. 99 §1, 2000; Ord. 96 §1, 1999; Ord. 93 §1, 1998; Ord. 91 §1, 1997; Ord. 88 §1, 1996; Ord. 86 §1, 1995; Ord. 81 §1, 1994; Ord. 77 §1, 1993; Ord. 75 §1, 1992; Ord. 70 §2, 1991; Ord. 65 §1, 1989; Ord. 52 §2 (part), 1986; Ord. 4 §3.3, 1973).

#### 5.04.190 Commercial Facilities

The sewer service charge for each commercial facility or for each separate business within such a facility shall be computed by the District Engineer in accordance with the following schedule, based upon the previous calendar year's water use:

- Bakeries/Donut Shops .....\$351.36/year plus \$12.10/HCF
- Restaurants/Catering.....\$351.36/year plus \$12.10/HCF
- Food Processing .....\$351.36/year plus \$13.95/HCF
- Funeral Parlor/Mortuary.....\$351.36/year plus \$13.95/HCF
- Other Business (General) .....\$351.36/year plus \$8.97/HCF
- Dominican Hospital.....\$351.36/year plus \$9.36/HCF
- Chaminade .....\$351.36/year plus \$12.13/HCF

(Ord. 144 §2, 2020; Ord. 143 §2, 2020; Ord. 140 §2, 2019; Ord. 138 §2, 2018; Ord. 135 §2, 2017; Ord. 132 §2, 2016; Ord. 130 §2, 2015; Ord. 129 §2, 2014; Ord. 127 §2, 2013; Ord. 126 §2, 2012; Ord. 125 §2, 2011; Ord. 122 §2, 2010; Ord. 120 §2, 2009; Ord. 118 §2, 2008; Ord. 117 §2, 2007; Ord. 114 §2, 2006; Ord. 109 §2, 2005; Ord. 106 §2, 2004; Ord. 104 §2, 2003; Ord. 102 §2, 2002; Ord. 100 §2, 2001; Ord. 99 §2, 2000; Ord. 96 §2, 1999; Ord. 93 §2, 1998; Ord. 91 §2, 1997; Ord. 88 §2, 1996; Ord. 86 §2, 1995; Ord. 81 §2, 1994; Ord. 77 §2, 1993; Ord. 75 §2, 1992; Ord. 70 §3, 1991; Ord. 65 §2, 1989; Ord. 52 §2 (part), 1986; Ord. 11 §1 (part), 1974; Ord. 4 §3.4, 1973)

**5.04.200 Industrial Facilities**

In the event that the quality and/or quantity of waste discharge by any facility is of such a character that in the opinion of the District Engineer, it will impose a more than normal maintenance and operation burden on the District works, the amount of the sewer service charge for such facility shall be determined by the Board and Section 5.04.190 shall not be applicable to such facility. (Ord. 70 §4, 1991; Ord. 11 §3.5 (part), 1974; Ord. 4 §3.5, 1973)

**5.04.210 State Beach or Park Facilities**

The sewer service charge for each State beach and/or park facility shall be \$351.36 per year plus \$8.68 per HCF based upon the previous calendar year's water use. (Ord. 144 §3, 2020; Ord. 143 §3; Ord. 140 §3, 2019; Ord. 138 §3, 2018; Ord. 135 §3, 2017; Ord. 132 §3, 2016; Ord. 130 §3, 2015; Ord. 129 §3, 2014; Ord. 127 §3, 2013; Ord. 126 §3, 2012; Ord. 125 §3, 2011; Ord. 122 §3, 2010; Ord. 120 §3, 2009; Ord. 118 §3, 2008; Ord. 117 §3, 2007; Ord. 114 §3, 2006; Ord. 109 §3, 2005; Ord. 106 §3, 2004; Ord. 104 §3, 2003; Ord. 102 §3, 2002; Ord. 100 §3, 2001; Ord. 99 §3, 2000; Ord. 93 §3, 1999; Ord. 93 §3, 1998; Ord. 91 §3, 1997; Ord. 88 §3, 1996; Ord. 86 §3, 1995; Ord. 81 §3, 1994; Ord. 77 §3, 1993; Ord. 75 §3, 1992; Ord. 70 §5, 1991; Ord. 21 §1, 1977; Ord. 4 §3.6, 1973)

**5.04.220 School Facilities**

- A. The sewer service charge for each elementary school, middle school, or junior high school, shall be \$351.36 per year plus \$23.17 per student based on the ADA (average daily attendance), including night and adult classes for the school during the school year.
- B. The sewer service charge for each high school shall be \$351.36 per year plus \$34.80 per student based on ADA (average daily attendance), including night and adult classes for the school during the school year.
- C. The sewer service charge for each community college shall be \$351.36 per year, plus \$30.63 per student based on full-time equivalent student (FTES), including night and adult classes for the school during the school year.
- D. All schools have the option to pay an alternative fee of \$351.36 per year plus \$8.68 per HCF if they can provide the District with the previous calendar year's domestic water use, excluding irrigation water, or provide the winter water use and the corresponding number of school days during the winter billing period. (Ord. 144 §4, 2020; Ord. 143 §4, 2020; Ord. 140, §4, 2019; Ord. 138, §4, 2018; Ord. 135 §4, 2017; Ord. 132 §4, 2016; Ord. 130 §4, 2015; Ord. 129 §4, 2014; Ord. 127 §4, 2013; Ord. 126 §4, 2012; Ord. 125 §4, 2011; Ord. 122 §4, 2010; Ord. 120 §4, 2009; Ord. 118 §4, 2008; Ord. 117 §4, 2007; Ord. 114 §4, 2006; Ord. 109 §4, 2005; Ord. 106 §4, 2004; Ord. 104 §4, 2003; Ord. 102 §4, 2002; Ord. 100 §4, 2001; Ord. 99 §4, 2000; Ord. 96 §4, 1999; Ord. 93 §4, 1998; Ord, 91 §4, 1997; Ord. 88 §4, 1996; Ord. 86 §4, 1995; Ord. 81 §4, 1994; Ord. 77 §4, 1993; Ord. 75 §4, 1992; Ord. 70 §6, 1991; Ord. 58 §2 (part), 1986; Ord. 52 §2 (part), 1986; Ord. 4 §3.7, 1973)

**5.04.225 Effective Date of Rates**

The fees and charges established pursuant to Sections 5.04.180 through 5.04.220 shall take effect beginning July 1, 2020 or as soon thereafter as this Ordinance codified in this section takes effect. (Ord. 144 §5, 2020; Ord. 143 §5, 2020; Ord. 140 §5, 2019; Ord. 138 §5, 2018; Ord. 135 §5, 2017; Ord. 132 §5, 2016; Ord. 130 §5, 2015; Ord. 129 §5, 2014; Ord. 127 §5, 2013; Ord. 126 §5, 2012; Ord. 125 §5, 2011; Ord. 122 §5, 2010; Ord. 120 §5, 2009; Ord. 114 §5, 2006; Ord. 109 §5, 2005; Ord. 106 §5, 2004; Ord. 104

§5, 2003; Ord. 102 §5, 2002; Ord. 100 §5, 2001; Ord. 99 §5, 2000; Ord. 93 §5, 1999; Ord. 93 §5, 1998; Ord. 91 §5, 1997; Ord. 88 §5, 1996; Ord. 86 §5, 1995; Ord. 81 §5, 1994; Ord. 77 §5, 1993; Ord. 75 §5, 1992; Ord. 70 §7, 1991)

#### **5.04.230 Interim Septic Tank System**

The charge for septic tank system inspection services shall be twenty dollars per year collected as provided in Article IV of this chapter and payable to the County health officer for service rendered pursuant to Chapter 8.02 of the Santa Cruz County Code. (Ord. 11 §1 (part), 1974; Ord. 4 §3.8, 1973)

#### **5.04.240 Vacancy**

A vacancy factor is included in the amounts of the sewer service charges set forth in this article and; therefore, sewer service charges shall not be stopped and started as a facility becomes vacant. (Ord. 11 §1 (part), 1974; Ord. 10 §1, 1974; Ord. 4 §3.9, 1973)

#### **5.04.250 Metered Water**

Where sewer service charges are based upon the amount of water used by a facility, such amount shall be the volume of water consumed by the facility in the calendar year (being the months January through December) directly preceding the fiscal year for which the charges are to be collected as indicated by a meter for the facility. Where such metering is not provided or where newly constructed facilities are involved, the volume of water consumed by the facility shall be determined on the basis of a reasonable estimate thereof made by the District Engineer. (Ord. 90 §1, 1996; Ord. 11 §1 (part), 1974; Ord. 4 §3.10, 1973)

### **ARTICLE IV. BILLING AND COLLECTION**

#### **5.04.260 Billing by District**

In the event that District does not elect, pursuant to Section 5.04.290, to collect current sewer service charges on the tax roll, the District shall bill for such charges. The regular billing period for sewer service charges shall be or each calendar month, bimonthly, or as determined by the Board. Schools and other public institutions may be required to pay semi-annually or annually. (Ord. 4 §4.1, 1973)

**5.04.270 Opening and Closing Bills.** Opening and closing bills for less than the normal billing period shall be for not less than one month. (Ord. 4 §4.2, 1973)

#### **5.04.280 Billing Time**

- A. Amounts of sewer service charges covering the period from the time of connection through the thirtieth day of the following June shall be added to the next billing period.
- B. When charges are not collected on the tax roll, District shall provide bills for the billing period covered thereby. Each such bill shall bear the name of the month or months, covered thereby and the amount due for such month, or months. The charges represented by each such bill shall be due and payable on the first day of the month or of the billing period covered thereby, except as otherwise provided. (Ord. 4 §4.3, 1973)

**5.04.290 Collection—with General Taxes**

The District may, by ordinance approved by a two-thirds vote of the members of the Board, elect to have sewer service charges for the forthcoming fiscal year and/or delinquent sewer service charges collected on the tax roll on which its general taxes are collected, in the same manner, by the same persons, and at the same time as, together with and not separately from, its general taxes. (Ord. 4 §4.4, 1973; Ord. 95 §1 [in effect until June 30, 2014]; Ord. 128 §1 [in effect until June 30, 2029])

**5.04.300 Collection—Report**

In the event of an election pursuant to Section 5.04.290, the District shall cause a written report to be prepared and filed with the Secretary, which report shall contain a description of each parcel of real property receiving services and facilities and the amount of the current and/or delinquent sewer service charges for each parcel computed in conformity with the provisions of this chapter. The real property may be described by reference to County Assessor's maps or by reference to plats or maps on file with the Secretary. (Ord. 4 §4.5, 1973)

**5.04.310 Collection—Notice**

The Secretary shall cause notice of the filing of the report referred to in Section 5.04.300 and of the time and place of hearing thereon to be published once a week for two successive weeks prior to the date set for hearing, in the Santa Cruz Sentinel, a newspaper of general circulation, printed and published in the County within which the District is located. Prior to such election for the first time, the Secretary shall cause a notice in writing of the filing of the first report proposing to have such sewer service charges for the forthcoming fiscal year and/or delinquent charges, collected on the tax roll, and of the time and place of hearing thereon, to be mailed to each person to whom any part or parcel of real property described in the report is assessed in the last equalized assessment roll available on the date the report is prepared, at the address shown on the roll or as known to the Secretary. (Ord. 4 §4.6, 1973)

**5.04.320 Collection—Hearing**

At the time of the hearing, the Board shall hear and consider all objections or protests, if any, to the report referred to in the notice and may continue the hearing from time to time. (Ord. 4 §4.7, 1973)

**5.04.330 Collection—Final Determination**

Upon the conclusion of the hearing on the report, unless protest is made by the owners of a majority of the separate parcels of property described in the report, the Board will adopt, revise, change, reduce, or modify any sewer service charge or overrule any or all objections and shall make its determination upon each charge as described in the report, which determination shall be final. (Ord. 4 §4.8, 1973)

**5.04.340 Collection—Report Filing with Auditor**

On or before the tenth day of August in each year following the final determination of the Board, the Secretary shall file with the Auditor a copy of the report with a statement endorsed thereon over her signature that it has been finally adopted by the Board, and the Auditor shall enter the amounts of the sewer service charges against the respective lots or parcels of land as they appear on the current assessment roll. (Ord. 4 §4.9, 1973)

**5.04.350 Collection—Parcels Not on Roll**

If the property is not described on the roll, the Auditor shall enter the description thereon together with the amounts of the sewer service charges, as shown on the report. (Ord. 4 §4.10, 1973)

**5.04.360 Collection—Parcels Outside District**

Where any such parcels are outside the boundaries of the District they shall be added to the assessment roll of the entity for the purpose of collecting such sewer service charges. (Ord. 4 §4.11, 1973)

**5.04.370 Collection—Lien**

The amount of the charges shall constitute a lien against the lot or parcel of land against which the sewer service charge has been imposed as of noon on the first Monday in March immediately preceding the date of levy. The tax collector shall include the amount of the sewer service charges on bills for taxes levied against the respective lots and parcels of land. (Ord. 4 §4.12, 1973)

**5.04.380 Tax Bill**

Thereafter, the amount of the sewer service charges shall be collected at the same time and in the same manner and by the same persons as, together with and not separately from, the general taxes for the District, and shall be delinquent at the same time and thereafter be subject to the same penalties for delinquency. (Ord. 4 §4.13, 1973)

**5.04.390 Enforcement**

All laws applicable to the levy, collection and enforcement of general taxes of the District, including, but not limited to, those pertaining to the matters of delinquency, correction, cancellation, refund, and redemption, are applicable to such sewer service charges. (Ord. 4 §4.14, 1973)

**5.04.400 Compensation of County**

The tax collector may, in his discretion, issue separate bills for such sewer service charges and separate receipts for collection on account of such charges. The County shall be compensated for services rendered in connection with the levy, collection and enforcement of such charges for the District in an amount to be fixed by agreement between the Board of Supervisors and the Board of Directors of the District. The compensation shall not exceed one percent of all money collected. The compensation shall be paid into the County salary fund. (Ord. 4 §4 .15, 1973)

**5.04.410 Outside Utility Services—Agreement**

The Board may provide for the collection of sewer service charges with the rates for any other utility service furnished by a publicly or privately owned public utility with the written consent and agreement of the public utility owner which agreement shall establish the terms and conditions upon which such collections shall be made. Such agreement may provide that the District sewer service charges shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. Such agreement may provide for compensation to such other utility owner for making such collections, and for discontinuance of the other utility service in the event that all or part of the District sewer service charge is not paid. (Ord. 4 §4.16, 1973)

**5.04.420 District Utility Services—Itemization**

The Board may provide that the sewer service charges shall be collected with the rates for any other utility service rendered by the District and that all the rates shall be itemized, billed upon the same bill and collected as one item, together with and not separately from such other utility service. (Ord. 4 §4.17, 1973)

#### **5.04.430 Suspension of Charges for Aptos Terrace and Wallace Avenue Projects**

- A. All properties within the boundaries of the Aptos Terrace and Wallace Avenue Sanitary Sewer Improvement Projects as shown on the assessment diagram maps on file in the Santa Cruz County surveyor's office shall be exempt from any connection charges for any uses of the properties for one calendar year from the date of acceptance of the projects by the Board of Directors or for one calendar year from the date of rescinding the current sewer connection ban by the Board of Directors, whichever is later.
- B. After the expiration of the one-year period, all properties previously exempted by the terms of this section shall be liable for the cost of sewer connections thereafter made in accordance with the then applicable connection charge ordinance. (Ord. 7 §1, 1973)

### **ARTICLE V. PENALTIES—LEGAL REMEDY**

#### **5.04.440 Penalties and Interest**

All charges (other than those sewer service charges for which provision is made, prior to delinquency, for collection thereof on the tax rolls on which general District taxes are collected) which are not paid on or before the sixtieth day following the date such charge was due and payable shall be delinquent and a penalty of ten percent of the charge shall be imposed on the sixty-first day following the date such charge was due and payable. In addition, a penalty of one and one-half percent per month of the basic charge plus the ten percent penalty shall be imposed on the ninetieth day following the date such charge was initially due and payable and on each thirtieth day thereafter until there is payment in full of the charge plus all penalties. (Ord. 43 §1, 1984; Ord. 4 §5.1, 1984)

#### **5.04.450 Lien for Delinquent Charges**

If charges remain delinquent for a period of sixty days, the charges shall constitute a lien against the lot or parcel of land against which same was imposed, upon recording thereof with the County recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to each property owner shall give notice of the lien provided by this section. (Ord. 4 §5.2, 1973)

#### **5.04.460 Collection by Suit**

The District may collect unpaid charges by suit, in which event it shall have judgement for the cost of suit and reasonable attorney's fees. (Ord. 4 §5.3, 1973)

#### **5.04.470 Disconnection**

The District may disconnect any premises from the sewer system if charges are not paid after they have become delinquent. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the sewer system. In the event such arrearages are paid, and premises are reconnected to the sewer system, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. (Ord. 4 §5.4, 1973)

**5.04.480 Abatement**

During the period of nonconnection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action. (Ord. 4 §5.5, 1973)

**5.04.490 Additional Remedies**

The District may provide otherwise for the collection of delinquent charges. All remedies provided in this chapter for their enforcement and collection are cumulative and may be pursued alternatively or collectively as the District determines. (Ord. 4 §5.6, 1973)

**ARTICLE VI. REFUNDS****5.04.500 Sewer Service Charge Refunds**

- A. If a parcel is not physically connected to the District sewer system, the owner has the right to a refund of an overpayment of sewer service charges.
- B. No refund of an overpayment of sewer service charges shall be allowed in whole or in part unless a claim for refund is submitted to the District within a period of three years from the last day of the calendar month following the period for which the overpayment was made. Upon the submission of such claim and when determined that an overpayment has been made, the District Engineer shall authorize a refund by the District.
- C. Notwithstanding the limitations set forth in Subsections A and B of this Section, the Board may order refunds of service charges for a period not to exceed ten years when, in the Board's discretion, there is good cause to do so. (Ord. 121 §1, 2010; Ord. 106 §6, 2004; Ord. 94 §1, 1998)

## Chapter 5.08

### SPECIAL ASSESSMENT CONNECTION CHARGES

#### Sections:

- 5.08.010        Wallace Avenue Sanitary Sewer Assessment District  
 5.08.030        Tannery Gulch Sanitary Sewer Assessment District

#### **5.08.010 Wallace Avenue Sanitary Sewer Assessment District**

- A. In addition to all other charges of the District, and which shall be collected, prior to the connection to the sanitary sewer system of the District, a special connection charge for any lot or parcel of property in the District that abuts on or can be served by a sewer main or facility of the District constructed pursuant to special assessment proceedings in the Wallace Avenue sanitary sewer assessment District pursuant to Resolution of Intention No. 73-16 adopted on August 9, 1973, and for which the property beyond one unit of assessment was not assessed.

The charge shall be the sum of one thousand seven hundred dollars per unit or premises created after September 13, 1973, plus interest at the rate of seven percent per year commencing on the date of bonds to be issued in the assessment District. The charge of one thousand seven hundred dollars per unit or premises does not include sanitary sewer laterals which will be charged at the prevailing rate established by the District from time to time.

The charge of one thousand seven hundred dollars plus interest at the rate of seven percent per year shall be payable in cash within ten days from the date that an owner applies for connection to the system of the District and shall be paid prior to any actual connection to the District's system. The special assessment connection charge collected by the District shall, from time to time, be credited to the District to reimburse the District for such funds as it has advanced to the Wallace Avenue sanitary sewer assessment District.

- B. The properties that shall be affected by this special assessment connection charge ordinance are as more particularly set forth in Exhibit A reproduced in this section.

#### **5.08.030 Tannery Gulch Sanitary Sewer Assessment District**

- A. In addition to all other charges of the District, and which shall be collected, prior to annexation to the District or connection to the Tannery Gulch trunkline portion of the sanitary sewer system of the District, whichever occurs first, a special connection charge for any lot or parcel of property in the District that abuts on, or can be served by, a sewer main or facility of the District constructed pursuant to special assessment proceedings in the Tannery Gulch sanitary sewer assessment District pursuant to Resolution of Intention No. 77-33, adopted on July 28, 1977, and for which the property was not assessed. The charge shall be the sum of three thousand seven hundred sixty-four dollars per square acre of annexed parcel area, plus interest at the rate of twelve percent per year to December 18, 1986 and then at the rate of 6.2752 percent per year from December 18, 1986 to the date of payment or for the remainder of the period not to

exceed fifteen years, commencing on September 23, 1982, the date bonds were issued in the assessment District. The charge of three thousand seven hundred sixty-four dollars per acre does not include sewer connection fees which will be charged at the prevailing rate established by the District from time to time.

- B. The charge of three thousand seven hundred sixty-four dollars plus interest at the above rates shall be payable in cash either prior to annexation to the District or within ten days from the date that any owner applied for connection to the system of the District, whichever occurs first, but, in any case, it must be paid prior to any actual connection to the District's system.
- C. The special assessment connection charge collected by the District shall be credited in October of each year first to the Sanitation District general fund until the amount of seventy-five thousand dollars principal balance, plus interest at the above rates per year, has been received as reimbursement and subsequently to the assessment District to reduce the various assessments still owed which were levied for the Tannery Gulch sanitary sewer assessment District, until the total amount of one hundred sixty-four thousand six hundred fifty dollars principal balance, plus interest at the above rates per year, has been received as total reimbursement.
- D. The properties that shall be eligible for, and affected by, this special assessment connection charge ordinance are as more particularly set forth in Exhibit A reproduced in this section. Furthermore, any other parcel not included in the Tannery Gulch assessment District that wishes to connect to this trunkline section shall also be eligible for this special connection charge.
- E. The ordinance codified in this section and the resulting special assessment connection charge specified and set herein shall terminate and expire fifteen years from the date of issue of the assessment District bond on September 24, 1997.

**Title 6**

(RESERVED)

**Title 7 SEWERS**

**Chapters:**

7.04 Sewer Construction and Use Individual Sewage Disposal System

**Chapter 7.04**

**SEWER CONSTRUCTION AND USE**

**Sections:**

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7.04.020 Purpose  
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**ARTICLE I. GENERAL PROVISIONS**

**7.04.010 Title—Adoption—Conflict**

- A. **Short Title.** This chapter may be cited as the "Santa Cruz County Sanitation District Sewer Regulation Ordinance."
- B. **Rules and Regulations.** The following rules and regulations respecting sewer construction and disposal of sewage and drainage of buildings and connection to the sewage works of the District are adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise, except as general County ordinance, rule or regulation applies.

- C. **Conflict with State Codes.** Any provision in this chapter that is in conflict with the provisions of the State Health & Safety Code or Streets & Highways Code or Governmental Codes or Elections Code, due to revisions made in the codes, shall be automatically superseded by the provisions in the code until such time as this chapter can be revised. (Ord. 72 §1 (part), 1991; Ord. 3 §§1.1, 1.2, 1.9, 1973)

#### **7.04.020 Purpose**

This chapter is intended to provide rules and regulations for the use and construction of sanitary sewer facilities hereafter installed, altered or repaired within the District, and to supplement general County ordinances, rules or regulations applicable thereto. This chapter shall not apply retroactively and, in the event of an alteration or repair hereafter made, it shall apply only to the new materials and methods used therein. (Ord. 72 §1 (part), 1991; Ord 3 §1.3, 1973)

#### **7.04.030 Definitions**

A. Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this code, have the meanings respectively ascribed to them by this section:

"Accessory dwelling unit" means an attached or a detached residential dwelling unit which provides complete independent living facilities for one or more persons. It shall include permanent provisions for living, sleeping, eating, cooking, and sanitation on the same parcel as the single-family dwelling is situated. An accessory dwelling unit also includes the following:

1. An efficiency unit, as defined in Section 17958.1 of Health & Safety Code.
2. A manufactured home, as defined in Section 18007 of the Health & Safety Code.

"Act" means the Federal Water Pollution Control Act, also known as the Clean Water Act, as amended 33 U.S.C. 1251, et seq.

"Authorized representative of industrial user" means one of the following:

1. A principal executive officer of at least the level of vice president, if the industrial user is a corporation;
2. A general partner or proprietor of the industrial user is a partnership or proprietorship respectively; or
3. A duly authorized representative of the individual designated in this subsection, if such representative is responsible for the overall operation of the facilities from which the indirect discharge originates.

"Best management practices" (BMP) means pollution control practices designed to reduce the pollutants contained in discharges.

"Biochemical oxygen demand" (BOD) means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at twenty degrees centigrade, expressed in terms of weight and concentration (milligrams per liter).

"Board" means the Board of Directors of the Santa Cruz County Sanitation District.

"Building" means any structure used for human habitation or a place of business, recreation or other purposes, containing sanitary facilities.

"Building Drain" means that part of the lowest horizontal piping of a wastewater drainage system which receives the discharge from soil and waste pipes inside the walls of the building and conveys it to the Building Sewer beginning two feet outside the building wall. (Ord. 141 §1, 2019)

"Building Sewer" (Private Sewer Lateral) means that part of wastewater piping of a wastewater drainage system that extends from the end of the Building Drain and that receives the discharge of the Building Drain and conveys it to a public Sewer Main; includes: clean outs, overflow valves, backflow valves, wye branches, connection to Sewer Main, forced sewer piping, gravity sewer piping, and appurtenances. (Ord. 141 §1, 2019)

"Categorical industry" means those industrial dischargers subject to final regulations promulgated and adopted by the EPA as referenced in the categorical standards (40 CFR Chapter 1, Subchapter N, Parts 405 - 471).

"City" means the City of Santa Cruz.

"Commercial user" means any commercial business not in an industrial classification.

"Compatible pollutant" means BOD, suspended solids, pH, grease and oil, fecal coliform bacteria, and such additional pollutants as are now, or may be in the future, specified and controlled in County/City's NPDES permit or by the EPA or SWQCB for its wastewater treatment works where the works have been designed and used to reduce or remove such pollutants.

"Composite sample" means a twenty-four-hour, flow-proportional composite sample. Sampling may be done manually or automatically, and discretely or continuously. For discrete sampling, at least eight aliquots shall be composited. Discrete sampling may be flow-proportioned either by varying the time interval between each aliquot or the volume of each aliquot. Where flow-proportional composite sampling is not feasible, the District may waive the flow-proportional requirement providing that a minimum of eight time proportional samples are taken.

"Connector" means any owner of any premises connected to the sewer system.

"Contractor" means any person, firm, corporation, partnership, or association duly licensed by the State of California to perform the type of work to be done on sewage facilities.

"Conventional pollutant" means those pollutants which are usually found in domestic, commercial or industrial wastes such as suspended solids, biochemical oxygen demand (BOD), pathogenic (disease-causing) organisms, adverse pH levels, and oil and grease.

"Cooling water" means the water discharged from any use such as air conditioning, cooling or refrigeration, during which the only pollutant added to the water is heat.

"County" means the County of Santa Cruz, California.

"Director" means the Director of Public Works of the County of Santa Cruz or his or her representative.

"District" means the Santa Cruz County Sanitation District.

"District Engineer" means the Director of the Department of Public Works of the County or any person designated by the Board.

"Domestic waste" means liquid wastes (1) from noncommercial preparation, cooking and handling of food, or (2) containing human excrement and similar matter from the sanitary conveyances of dwellings, commercial buildings, industrial facilities, and institutions.

"Dry weather diversion" means the diversion of non-storm water runoff into the sanitary sewer during the dry season (approximately May to October).

"Duly authorized representative" means an individual or position having responsibility for the overall operation of the facility.

"Garbage" means solid wastes from the domestic and commercial preparation, cooking and dispensing of food, and from the handling, storage and sale of food.

"Grab sample" means an individual sample collected over a period of time, not exceeding fifteen minutes.

"Groundwater pump and treat sites" means those sites that are extracting groundwater to the surface where contaminants are removed, or the water is treated, and then pumping the clean groundwater into the sanitary sewer.

"Hazardous waste" means either of the following:

1. A waste, or combination of wastes, which because of its quantity, concentration or physical, chemical or infectious characteristics may either:
  - a) Cause, or significantly contribute to an increase in mortality or an increase in serious irreversible, or incapacitating reversible, illness; or
  - b) Pose a substantial present or potential hazard to human health or environment when improperly treated, stored, transported, or disposed of, or otherwise managed.
2. A waste which meets any of the criteria for the identification of a hazardous waste adopted by the District pursuant to Section 25141.

- a) "Hazardous waste" includes, but is not limited to, RCRA hazardous waste.
- b) Unless expressly provided otherwise, the term "hazardous waste" shall be understood to also include extremely hazardous waste and acutely hazardous waste.

"House sewer" means that portion of the building sewer within private property.

"Incompatible pollutant" means any pollutant which is not a "compatible pollutant" as defined in this section or designated by the District.

"Indirect discharge" means introduction of pollutants into a POTW from any nondomestic source regulated under Section 307 (b), (c), or (d) of the Act.

"Industrial user" means a source of indirect discharge.

"Industrial wastewater" means wastewater from any producing, manufacturing or processing operation of whatever nature, including institutional, agricultural, and commercial operations where the water is used for removal of waste other than from human habitation of premises connected to the publicly owned wastewater treatment system and including, without limitation: medical offices; dental offices; hospitals; schools; research, education and commercial laboratories; warehouses; shopping centers; car washes; print stores; residential, commercial and public uses of pesticides and fertilizers; gas stations; restaurants; and septage collection and disposal. Industrial wastewater may also mean from any source including industrial plant or facility which introduces conventional (including oxygen demanding wastes) and nonconventional pollutants. These pollutants include hazardous substances as designated in 40 CFR 116 and 40 CFR Part 401.

"Installer" means any person who installs Sewer Mains within the District for connection to the District sewer system. (Ord. 141 §1, 2019)

"Interceptor" means a device designed and installed so as to separate and retain prohibited, deleterious, hazardous, or undesirable matter from wastewater and to permit the wastewater to discharge to the POTW. "Interceptor" includes but is not limited to grease interceptors, grease traps, sand interceptors, and clarifiers.

"Interference" means a discharge which, alone or in conjunction with a discharge or discharges from other sources, both:

1. Inhibits or disrupts the POTW, its treatment processes or operations, or its sludge processes, use or disposal; and
2. Therefore, is a cause of a violation of any requirement of POTW's NPDES permit (including an increase in the magnitude or duration of a violation) or of the prevention of sewage sludge use or disposal in compliance with the following statutory provisions and regulations or permits issued thereunder:
  - a) Section 405 of the Clean Water Act;

- b) The Solid Waste Disposal Act (SWDA) (including Title II, more commonly referred to as the Resource Conservation and Recovery Act (RCRA)) and including State regulations contained in any State sludge management plan prepared pursuant to Subtitle D of the SWDA;
- c) The California Domestic Water Quality and Monitoring Regulations (Title 22 of the California Administrative Code);
- d) The Clean Air Act;
- e) The Toxic Substances Control Act;
- f) The Marine Protection, Research and Sanctuaries Act.

"Lateral sewer" means that portion of the building sewer within County right-of-way or easement.

"Lower explosive limit (LEL)" of a compound means the minimum concentration of the compound as a gas or vapor, measured as a percent in air, which will explode or burn.

"Main sewer" means a public sewer designed to accommodate more than one building sewer.

"Mass emission rate" means the weight of material discharged to the sewer system during a given time interval. Unless otherwise specified, the mass emission rate shall mean pounds per day of a particular constituent or combination of constituents.

"National Pollutant Discharge Elimination System (NPDES)" means the program for issuing, conditioning and denying permits for the discharge of pollutants from point sources into the navigable waters, the contiguous zone, and the oceans pursuant to Section 402 of the Act.

"New source" means:

1. Any building, structure, facility, or installation from which there is or may be a discharge of pollutants, the construction of which commenced after the publication of proposed pretreatment standards which will be applicable to such source if such standards are thereafter promulgated, provided that:
  - a) The building, structure, facility, or installation is constructed at a site at which no other source is located; or
  - b) The building, structure, facility, or installation totally replaces the process or production equipment that causes the discharge of pollutants at an existing source; or
  - c) The production or wastewater generating processes of the building, structure, facility, or installation are substantially independent of an existing source at the same site. In determining whether these are substantially independent, factors such as the extent to which the new facility is integrated with the existing plant, and the extent to which the

new facility is engaged in the same general type of activity as the existing source should be considered.

2. Construction on a site at which an existing source is located results in a modification rather than a new source if the construction does not create a new building, structure, facility, or installation meeting the criteria of subsection 1 of this definition but otherwise alters, replaces or adds to existing process or production equipment.
3. Construction of a new source has commenced if the owner or operator has:
  - a) Begun, or caused to begin as part of a continuous on-site construction program:
    - i. Any placement, assembly, or installation of facilities or equipment; or
    - ii. Significant site preparation work including clearing, excavation, or removal of existing buildings, structures or facilities which is necessary for the placement, assembly or installation of new source facilities or equipment; or
  - b) Entered into a binding contractual obligation for the purchase of facilities or equipment which are intended to be used in its operation within a reasonable time. Options to purchase or contracts which can be terminated or modified without substantial loss, and contracts for feasibility, engineering and design studies do not constitute a contractual obligation under this definition.

"Non-storm water runoff" means any discharge to the storm drain system that is not composed entirely of storm water.

"Nuisance" means damage to the community resulting from any discharge in violation of the provisions of this chapter or an order of the District Board.

"Oil and grease" is any material recovered as a substance soluble in trichlorotrifluoroethane.

"Pass through" means a discharge which exits the POTW into waters of the United States in quantities or concentrations which, alone or in conjunction with a discharge or discharges from other sources, is a cause of a violation of any requirement of the POTW's NPDES permit (including an increase in the magnitude or duration of a violation).

"Person" means any individual, partnership, co-partnership, firm, company, trust, estate, governmental entity, or any other legal entity, or their legal representatives, agents or assigns.

"pH" means the logarithm of the reciprocal of the concentration of hydrogen ions in grams per liter of solution.

"Premises" means any lot, parcel of land, building, or establishment.

"Pretreatment" means application of physical, chemical and biological processes to reduce the amount of pollutants in, or alter the nature of, the pollutant properties in a wastewater prior to discharging such wastewater into the publicly owned wastewater treatment system.

"Pretreatment standards" means all applicable Federal rules and regulations implementing Section 3-07 of the Clean Water Act including, but not limited to, 40 CFR Chapter I, Parts 405 through 4741, as well as any State or Local standards. In cases of conflicting standards or regulations, the more stringent thereof shall be applied.

"Private Sanitary Sewer Collection System" means a sewer collection system serving any commercial business, any sewer collection system serving four or more units including but not limited to: apartment complexes, mobile home parks, condominiums, cooperative apartment buildings, as well as any sewer collection system with a privately owned and maintained sewer lift station. (Ord. 141 §1, 2019; Ord. 123 §1 & 2, 2010)

"Private Sewer" means a sanitary sewer privately owned and not maintained by the public authority/District. (Ord. 141 §1, 2019)

"Private Sewer Lateral" means Building Sewer. (Ord. 141 §1, 2019; Ord. 123 §3, 2010)

"Public Sewer" means a sanitary sewer which is maintained by the District. (Ord. 141 §1, 2019)

"Publicly owned treatment works (POTW)" means a treatment works as defined by Section 212 of the Act, which is owned in this instance by the City. This definition includes any sewers that convey wastewater to the POTW treatment plant, but does not include pipes, sewers or other conveyances not connected to the facility providing treatment.

"Sanitary Sewer" means a sewer which carries sanitary sewage and/or industrial wastewater and to which storm, surface and ground waters are not intentionally admitted.

"Sewage, domestic" means a combination of liquids or water carrying human waste from residential, business or industrial buildings.

"Sewer" means a conduit for carrying off sewage.

"Sewer Main" means a Public Sewer designed to accommodate more than one Building Sewer. (Ord. 141 §1, 2019)

"Significant Industrial Discharger" means any industrial user of the City's wastewater treatment system who meets one or more of the following (Ord. 141 §1, 2019):

1. Has a discharge flow of twenty-five thousand gallons or more per average work day;
2. Has a flow greater than five percent of the flow in the City's wastewater treatment system;
3. Has in its waste, toxic pollutants as defined pursuant to Section 307 of the Act;
4. Is found by the City, County, SWQCB, or the US EPA to have significant impact, either singly or in combination with other contributing industries, on the wastewater treatment system,

the quality of sludge, the system's effluent quality, or air emissions generated by the system;

5. A waste stream discharge which makes up five percent or more of the average dry weather hydraulic or organic (BOD, TSS, etc.) capacity of the wastewater treatment system.

"Significant noncompliance" means user violations which meet one or more of the following criteria:

1. Violations of wastewater discharge limits:
  - a) **Chronic Violations.** Sixty-six percent or more of all the measurements taken for the same pollutant parameter exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of concentration over the most stringent limit) a numeric pretreatment standard or requirement, including instantaneous limits.
  - b) **Technical Review Criteria (TRC) Violations.** Thirty-three percent or more of all the measurements taken for the same pollutant parameter during a six-month period equal or exceed the product of the numeric pretreatment standard or requirement including instantaneous limits, as defined by 40 CFR 403.3(1) multiplied by the applicable TRC.
    - i. Group I TRC for conventional pollutants (BOD, TSS, fats, oil, and grease)  
TRC = 1.4
    - ii. Group II TRC for all other pollutants except pH TRC = 1.2
2. Violations of compliance schedule milestones for starting construction, completing construction and attaining final compliance by ninety days or more after the schedule date.
3. Failure to provide reports for compliance schedules, self-monitoring data or categorical standards (baseline monitoring reports, ninety-day compliance reports and periodic reports) within forty-five days of the due date.
4. Failure to accurately report noncompliance.
5. Any other violation of a pretreatment standard or requirement (daily maximum, long-term average, instantaneous limit, or narrative standard) that the District determines has caused, alone or in combination with other discharges, interference or pass through, including endangering the health of the POTW personnel or the general public.
6. Any discharge of pollutants that have caused imminent endangerment to human health, welfare or to the environment or has resulted in the District's exercise of its emergency authority to halt or prevent such a discharge.
7. Any other violation or group of violations, which may include a violation of best management practices which the District determines will adversely affect the operation or implementation of the local pretreatment program.

"Slug loading" means either:

1. Any discharge of pollutants at a volume or concentration that causes upset of or interference with the POTW or causes the pass through of pollutants to receiving waters; or
2. Any discharge of a pollutant(s), measured by a grab sample, at a concentration exceeding five times the composite or grab sample discharge limit; or
3. Any discharge of wastewater outside the pH range of five through ten for either a continuous duration of greater than or equal to fifteen minutes or for a sum-total of thirty minutes within one day.

"Storm drain" or "storm drain system" means collectively any street, gutter, conduit, natural or artificial drain, channel, and watercourse, or other facility that is owned, operated, maintained, or controlled by the County and used for the purpose of collecting, storing, transporting, or disposing of runoff.

"Storm water" means rainwater, surface water, groundwater, roof runoff, and subsurface drainage.

"Suspended solids" means the total suspended matter that floats on the surface of, or is suspended in, water, wastewater or other liquids and which is removable by laboratory filtering.

"Unit" or "dwelling unit" means a separate living quarters for one or more persons having separate kitchen facilities and/or toilet facilities.

"Unpolluted water" means water not containing any pollutants limited or prohibited by the effluent standards in effect, or water whose discharge will not cause any violation of receiving water quality standards.

"User" means any person who discharges, causes or permits the discharge of wastewater into the District's sewer system.

"User classification" means a classification of user based on the latest edition of the Standard Industrial Classification (S.I.C.) Manual prepared by the Office of Management and Budget.

"Wastewater" means the liquid and water-carried industrial or domestic wastes from dwellings, commercial buildings, industrial facilities, and institutions together with any groundwater, surface water and stormwater that may be present, whether treated or untreated, which is discharged into or permitted to enter the District's sewer system.

"Wastewater treatment plant" means POTW.

"Wastewater treatment system" means any devices, facilities, structures, equipment, or works owned or used by the District or the City of Santa Cruz for the purpose of the transmission, storage, treatment, recycling, and reclamation of industrial and domestic wastes, or necessary to recycle or reuse water, including intercepting sewers, outfall sewers, sewage collection systems, pumping, power and other

equipment, and their appurtenances; extensions, improvements, remodeling, additions and alterations thereof; elements used to provide a reliable recycled supply, such as standby treatment units and clear well facilities; and any works, including site acquisition of the land, that will be a part of the treatment process or is used for ultimate disposal of residues resulting from such treatment.

"Water quality requirements" means requirements for the District or City's wastewater treatment system effluent established by the NPDES permit, or by State or Federal regulatory agencies for the protection of receiving waste quality. Water quality requirements include effluent limitations and waste discharge standards, limitations or prohibitions which may be established or adopted from time to time by State and Federal laws or regulatory agencies.

"Work" means any work directly involved with the sewers.

**B. Additional Definitions.** For the purpose of this chapter, additional terms shall have the meaning indicated in the latest edition of the "California Plumbing Code" adopted by the California Building Standards Commission, copies of which are on file with the District Engineer. (Ord. 141 §1, 2019)

C. Terms not otherwise defined herein shall be as adopted in the latest publication of 40 CFT 403 or the latest edition of "Standard methods for the Examination of Water & Wastewater," published by the American Public Health Association, the American Water Works Association, and the Water Pollution Control Federation or the California Plumbing Code. (Ord. 141, 2019 (part); Ord. 139 §2, 2019 (part); Ord. 137 §2, 2017 (part); Ord. 116 §1, 2007; Ord. 111 §1, 2006; Ord. 103 §1, 2003; Ord. 98 §5, 2000; Ord. 85 §1, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §1, 1989; Ord. 37 §1, 1983; Ord. 15 §1, 1975; Ord. 3 §§2.1-2.52, 1973)

## **ARTICLE II. REQUIREMENTS GENERALLY**

### **7.04.040 Conformity to Rules**

The construction of the Building Sewer and the connection to the Public Sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the District. New and existing plumbing fixture tallies shall be part of the required inspection. If more fixture units are determined than what was paid at the time of permit issuance, then payment for the extra fixture unit charges shall be made prior to building occupancy or permit sign-off. If an excessive amount of unapproved fixtures have been installed without permit, then the owner must first receive written approval from the District for those fixtures to remain connected to the District's sewer before building occupancy will be granted. The District Engineer may determine where and how the connection is to be made. The Private Sewer Lateral shall be installed and connected to Public Sewer by a contractor licensed in the state of California. (Ord. 141 §2, 2019 (part); Ord. 72 §1 (part), 1991; Ord. 15 §3 (part), 1975; Ord. 3 §3.1, 1973)

### **7.04.050 Inspection**

Inspection will be made by the District Engineer or his delegated representative and no building sewer connection shall be made without the presence of an authorized District representative, unless permission has been granted to proceed in his absence. New and existing plumbing fixture tallies shall be part of the required inspection. If more fixture units are determined than what was paid at the time of permit issuance, then payment for the extra fixture unit charges shall be made prior to building occupancy or permit sign-off. If an excessive amount of unapproved fixtures have been installed without permit, then the owner must first receive written approval from the District for those fixtures to remain

connected to the District's sewer and before building occupancy will be granted. (Ord. 72 §1 (part), 1991; Ord. 15 §3 (part), 1975; Ord. 3 §3.2, 1973)

#### **7.04.060 Costs**

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the District from loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Any damage to the public sewer shall be repaired at the cost of the applicant to the satisfaction of the District Engineer. (Ord. 72 §1 (part), 1991; Ord. 3 §3.3, 1973)

#### **7.04.070 Maintenance**

Any person who discharges wastewater into a public sewer through a building drain or building sewer shall be responsible for the maintenance, repair and proper operation of the building drain and building sewer, regardless of whether the building sewer is located on the customer's property or within the public right-of-way. The District shall have no responsibility or obligation for the maintenance, repair or proper operation of a building drain or building sewer. (Ord. 72 §1 (part), 1991; Ord. 3 §3.4, 1973)

#### **7.04.080 Separate Sewers Required**

Every building or industrial facility must be separately connected to the public sewer. However, one or more buildings located on property belonging to the same owner may be served with the same building sewer during the period of ownership. New accessory dwelling units which have independent exterior access from the existing residence, have side and rear setback sufficient for fire safety, and are contained within the existing space of a single-family residence or accessory structure shall not be required to be separately connected to the public sewer. Upon the subsequent subdivision and sale of a portion of the lot, the portion not directly connected with such a public sewer shall be separately connected with a public sewer, and it shall be unlawful for the owner thereof to continue to use or maintain such indirect connection. (Ord. 137 §3 (part), 2017; Ord. 72 §1 (part), 1991; Ord. 3 §3.5, 1973)

#### **7.04.090 Old Building Sewers**

Old Building Sewers may be used for new connections to new or existing buildings only when they are found, upon examination and testing, to meet all applicable requirements. The applicant must provide a video and video inspection report completed by a licensed plumber to the District, per current District requirements. The District will determine if the new or existing building may connect to the old Building Sewer, or if repairs or replacement of the old Building Sewer are required before connection is allowed.

**Exception:** If the entire old Building Sewer was constructed and approved by inspection by the District within the twenty years prior to the application date, a video and video inspection report will not be required. The applicant must provide documentation proving the installation/inspection date of the Building Sewer and obtain District approval prior to connection. (Ord. 141 §3, 2019 (part); Ord. 72 §1 (part), 1991; Ord. 3 §3.6, 1973)

#### **7.04.100 Plumbing Too Low**

- A. In all buildings in which there are plumbing fixtures at an elevation too low to permit drainage by gravity from the fixture to the public sewers, the sewer from the fixture shall be fitted by artificial means and discharged to the public sewer at the owner's expense.

- B. In all buildings where the floor elevation is less than one foot above the rim elevation of the nearest upstream manhole or bypass invert elevation, an overflow device or a backflow protective device shall be installed. When an overflow device is installed, the elevation of discharge of the installation shall be at least one foot below the lowest floor elevation (containing a plumbing fixture). (Ord. 72 §1 (part), 1991; Ord. 3 §3.7, 1973)

#### **7.04.110 Construction of Public Sewers Required**

The District Engineer may determine that a proposed sewer be constructed as a public rather than a private sewer. In such case, all provisions in this chapter for the construction of public sewers shall apply. (Ord. 72 §1 (part), 1991; Ord. 15 §4, 1975; Ord. 3 §3.8, 1973)

#### **7.04.120 Grading and Compaction**

Criteria for grading shall be in accordance with Figures SS-2A and SS-2B of the Santa Cruz County Design Criteria (latest edition), with the additional requirements that trench backfill shall meet the relative compaction required by the criteria, to be determined by County staff in accordance with California Test Method 216 as defined by CALTRANS' TEST MANUAL (latest edition). (Ord. 98 §6, 2000; Ord. 72 §1 (part), 1991; Ord. 48 §1, 1984; Ord. 3 §3.9, 1973)

### **ARTICLE III. CONSTRUCTION OF PUBLIC SEWERS AND APPURTENANCES**

#### **7.04.130 Authorization**

Authorization to construct public sewers and connect to the sewer system must be obtained from the District Engineer. (Ord. 72 §1 (part), 1991; Ord. 15 §6 (part), 1975; Ord. 3 §4.1, 1973)

#### **7.04.140 Plans, Specifications and Construction**

Plans, profiles and specifications shall be prepared at the expense of the installer by a civil engineer licensed in the State of California. Design and construction of new and rehabilitated sewers shall comply with "Sanitary Sewer Design Criteria" as established by the District Engineer. (Ord. 123 §4, 2010; Ord. 72 §1(part), 1991; Ord. 3 §4.2, 1973)

#### **7.04.150 Fees**

Estimated fees for all necessary plan checking and inspection fees shall be deposited in a trust fund in advance of construction. Only actual costs incurred will be billed to this account. The District shall have the right to charge, and the installer shall pay, any necessary administrative and engineering fees incurred by the District for the work performed. (Ord. 72 §1 (part), 1991; Ord. 3 §4.3, 1973)

#### **7.04.160 Agreement with District**

- A. An agreement shall be entered into, prior to construction, by the installer with the District, covering, but not limited to, the following:
1. Construction of sewers in accordance with approved plans and specifications;
  2. Acquisitions of necessary rights-of-way and easements, and granting of same to the District;
  3. Payment for all costs involved due to said construction;

4. Transfer of title of all sewers and appurtenances to the District;
  5. Indemnification of the District;
  6. Issuance of faithful performance bond and labor and materials bond in the amount of one hundred percent and fifty percent, respectively, of the District Engineer's estimate, filed with the District by installer;
  7. Payment of all fees, including plan checking and inspection;
  8. Time limit of construction; and
  9. Other items that individual conditions may dictate.
- B. The District Engineer shall be the authorized agent of the District to sign the agreement. (Ord. 72 §1 (part), 1991; Ord. 3 §4.4, 1973)

#### **7.04.170 Stakes**

Line and grade stakes shall be provided by the installer (Ord. 72 §1 (part), 1991; Ord. 3 §4.5, 1973)

#### **7.04.180 Construction Contracts**

Construction contracts shall be let by the installer, but not until after receiving written approval of the plans and specifications from the District Engineer. (Ord. 72 §1 (part), 1991; Ord. 3 §4 .6, 1973)

#### **7.04.190 Encroachment Permit**

An encroachment permit must be obtained before excavation for sewers is made in any publicly maintained street. Application for such permit shall be made at the County Department of Public Works or applicable agency. (Ord. 72 §1 (part), 1991; Ord. 3 §4.7, 1973)

#### **7.04.200 Connection Approval**

Building sewers (laterals) shall not be connected until written approval has been issued by the District Engineer. (Ord. 72 §1 (part), 1991; Ord. 3 §4.8, 1973)

#### **7.04.210 Inspection**

Inspection will be made by the District Engineer or his delegated representative, and no sanitary sewer construction work shall be conducted without the presence of him or his representative, unless permission has been granted to proceed in his absence. (Ord. 72 §1 (part), 1991; Ord. 15 §6 (part), 1975; Ord. 3 §4.9, 1973)

#### **7.04.220 Oversize sewers**

Oversize and off-development sewers may be required by the District Engineer. In this event, consideration will be given to a reimbursement agreement for excess costs upon the requests of the installer. (Ord. 72 §1 (part), 1991: Ord. 3 §4.10, 1973)

#### **7.04.230 Construction by District**

Sewers may be constructed by District contracts when, in the opinion of the Board, it would be in the best interest of the District. (Ord. 72 §1 (part), 1991; Ord. 3 §4.11, 1973)

**7.04.240 Plans and Specifications**

In the event that the District determines to construct sewers, plans, profiles, and specifications shall be prepared by the District Engineer. (Ord. 72 §1 (part), 1991; Ord. 3 §4.12, 1973)

**7.04.250 Contracts**

Contracts for construction shall be entered into in accordance with the usual authority of the District for construction. (Ord. 72 §1 (part), 1991; Ord. 3 §4.13, 1973)

**7.04.260 Grading and Compaction Standards**

Criteria for grading shall be in accordance with Figure SS-2 of the Santa Cruz County Design Criteria, with the additional requirements that trench backfill shall meet the relative compaction required by the criteria, to be determined by County staff in accordance with California Test Method 216 as defined by CALTRANS ' TEST MANUAL (latest edition). (Ord. 72 §1 (part), 1991; Ord. 48 §2, 1984; Ord. 3 §4.14, 1973)

**ARTICLE IV. USE OF SEWERS****7.04.270 Unpolluted Water Prohibited**

No leaders from roofs or surface drains for rainwater shall be permitted to be connected to any sewer.

No cooling water or other unpolluted wastewater shall be allowed to enter the sanitary sewer.

Discharge of storm water to the sanitary sewer is prohibited. (Ord. 103 §2, 2003; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.1, 1973)

**7.04.280 Nondomestic Sewage Restricted**

- A. Permission to discharge into the sanitary sewer system of the District anything but domestic sewage will be granted only in accordance with, and in consideration of, the conditions of each case, and shall be subject to reasonable rules, regulations and requirements to prevent excessive alkalinity or acidity of the effluent or excessive discharge of organic or inorganic substances in solution or suspension, whether liquid, semisolid or solid.
- B. Pretreated purge water from soil/groundwater remediation shall be accepted approval by the District upon prior approval by the District. The following must be performed prior to acceptance:
  1. A letter from the contractor, requesting discharge and describing the general characteristics of the purge water, must be submitted to the District. The letter must further describe the method of discharge and the type of pretreatment proposed prior to discharge.
  2. A discharge permit must first be issued by the District which will specify the volume of water, either in batch volume amounts for the year, or total quantity allowed for the year. The permit will state the parameters for which the purge water must be tested. Reference is made to Section 7.04.330, Preliminary treatment and control, which requires additional treatment to meet discharge standards prior to actual discharge. A permit fee of one hundred fifty dollars, collected at the time of permit issuance, will be charged for each separate location and for each year the discharge occurs. Actual volumes of discharge will

be monitored by the District and charged in units of HCF (hundred cubic feet). The sewer service charge for each HCF will be in accordance with the current sewer service charge rate in effect for that fiscal year. Payment for sewer service charges shall be paid on a yearly basis and becomes due and payable at the time of notification by the District.

- C. Actual discharge will not be permitted until results from testing have been received and the results are acceptable to the District. A visual inspection of the contained purge water will then be performed by the District prior to granting discharge. Technology for the pretreatment of wastewater shall be referenced to 40 CFR Parts 405 through 471. (Qrd. 101 §1, 2001; Ord. 89 §1, 1996; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.2, 1973).

#### **7.04.285 Sewage Discharge Facilities for Recreational Vehicles**

Facilities to accommodate the disposal of domestic sewage from recreational vehicles into the District's sewer system may be installed and used under the following conditions:

- A. Any responsible person may apply to the District for permission to install such facilities. "Responsible person" includes the owner of the property on which the facilities are proposed to be installed or any person authorized in writing by such owner to act in his/her place with respect to the installation and maintenance of such facilities.
- B. Before permission to connect such a facility to the District's sewer system is granted, the responsible person shall pay to the District a connection charge. In addition, after the facility has been installed, the responsible person shall pay a monthly sewer service charge.
- C. Such facilities may be located only on commercial premises used for the sale or service of recreational vehicles, automobiles, buses, trucks, or any other four-wheeled motor vehicles; and the specific location of such premises shall be subject to approval by the District.
- D. Such facilities may be installed only in conformity with designs approved by the District.
- E. The installation of such facilities shall be subject to all applicable building and inspection regulations in force at the time of the installation; and the District shall bear no part of the cost of such installation.
- F. After installation, such facilities shall be made available for inspection at any time during business hours, and at any other time upon reasonable notice given to the responsible person, or without notice in case of emergency. The inspection shall be conducted by the District Engineer or by any person designated by the District Engineer.
- G. The responsible person shall take all reasonable steps necessary to ensure that users of such facilities do not discharge into the District's system any substance in violation of this chapter. The District may adopt regulations to implement this requirement. (Ord. 72 §1 (part), 1991)

#### **7.04.290 Swimming Pools and Equipment**

Connection of swimming pools, spas, hot tubs, and their associated equipment, whether public or private, to sanitary sewers shall not be permitted unless, and until, a permit from the District is obtained therefor. A permit giving permission for connection of the pool or equipment shall require that they be

separated from the sewer by an air gap and a sump. The maximum size discharge out of the sump is to be four-inch I.D. pipe. The discharge water from pool draining activities must have a pH between 6.0 and 9.0 and a record of the pH must be kept to certify that the discharge is complying with the discharge limits of the District. (Ord. 85 §2, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.3, 1973)

#### **7.04.300 Reporting of Accidental Spills or Slug Loading**

- A. **Accidental Spills or Slug Loading.** In the event of an accidental spill or unavoidable loss of any deleterious material to the sewers, the connector concerned shall immediately notify the District of the nature of the spill, the quantity, and time and location of the occurrence. In addition, a written report addressed to the District Engineer, detailing the date, time and cause of the accidental discharges, the quantity and the characteristics of the discharge, and corrective action taken to prevent future discharges shall be filed by the responsible person or industrial facility within five days of the occurrence of the noncomplying discharge.
- B. **Protection from Accidental Discharge.** Significant Industrial Dischargers and any other commercial facility identified by the District must maintain a written Spill Response Plan. Employees of those facilities will be familiar with the Spill Response Plan and trained to respond to any potential spills. Each industrial user shall provide protection from accidental discharge of prohibited materials or other wastes regulated by this article. Facilities that are required to prevent accidental discharge of prohibited materials or other waste using built structures must submit a plan to the Director for review. The plan must be approved by him or her before construction of the facility. Review and approval of such plans and operating procedures shall not relieve the industrial user from the responsibility of this article. In order that employees of users be informed of District requirements, users shall make available to their employees copies of this chapter.

In addition, the user shall make available such other wastewater information and notices as may be furnished by the District from time to time, and a notice shall be furnished and permanently posted on the user's bulletin board advising employees to call the superintendent of the wastewater treatment plant in case of an accidental discharge in violation of this chapter. When the discharger of wastewater causes an obstruction, damage or other impairment to District disposal facilities, the manager may assess a charge against the discharger for the work required to clean or repair the facility and add such charge to the discharger's sewage disposal charge.

- C. **Proper Disposal of Sludges and Chemicals.** The disposal of sludges, chemicals and other pollutants generated shall be done in accordance with Section 405 of the Clean Water Act, 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act, 403.12(p) (1) of the General Pretreatment Regulations, and all other applicable regulations. Accordingly, the industrial user shall notify the Director, the EPA Regional Waste Management Division Director, and the State hazardous waste authorities (Department of Toxic Substances Control) in writing of any discharge into the wastewater collection system of a substance which, if otherwise disposed of, would be a hazardous waste under 40 CFR part 261. Under no circumstances may hazardous waste, as defined by the California Code of Regulations (CCR), 22 CCR 66261.3, be discharged to the POTW. (Ord. 103 §3, 2003; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.4, 1973)

**7.04.305 Discharge of Radioactive Wastes**

No person shall discharge or cause to be discharged any radioactive wastes into any public sewers or appurtenances thereof, except where:

- A. The person is authorized to use radioactive materials by the Atomic Energy Commission or other governmental agency empowered to regulate the use of radioactive materials; and
- B. The waste is discharged in strict conformity with the California Radiation Control Regulations, Title 17, and California Code of Regulations Chapter 5 Subchapter 4; and
- C. The person discharging the radioactive wastes assumes full responsibility for any injury to personnel or damage to the sewage system that may result from such discharge and submits evidence satisfactory to the District Engineer that he or she has assumed this responsibility. Any person discharging a radioactive waste to a public sewer in accordance with the provisions of subsection B of this section shall submit to the District Engineer such reports as the District Engineer may deem necessary. If any radioactive material is accidentally discharged into any public sewer, that person responsible shall:
  - 1. Immediately notify the District Engineer; and
  - 2. Render such technical or other assistance to the District within his or her power to prevent the sewage system from becoming contaminated with radioactivity.
- D. The person has secured a permit from the District Engineer to discharge radioactive materials into the public sewers. (Ord. 103 §4, 2003; Ord. 72 §1 (part), 1991)

**7.04.310 Prohibited Wastes Designated**

Except as hereinafter provided no person shall discharge or convey, or permit or allow to be discharged or conveyed, to a public sewer any wastewater containing pollutants of such character or quantity that will: not be susceptible to treatment or interfere with the process or efficiency of the wastewater treatment system; constitute a hazard to human or animal life, or to the stream or watercourse receiving the treatment plant effluent; constitute a hazard in the use or disposal of wastewater sludge; violate State and Federal pretreatment standards; or cause the treatment plant to violate its NPDES permit or application receiving water standards. No person shall discharge or cause or permit to be discharged any of the following described waters or wastes:

- A. Any pollutant which causes pass through or interference;
- B. Any liquid or waste having temperature higher than one hundred four degrees Fahrenheit;
- C. Oil and grease concentrations or amounts from industrial facilities violating Federal pretreatment standards; wax, grease or oil concentration of petroleum, non-biodegradable cutting oil, vegetable, or animal origin of more than three hundred milligrams per liter (mg/L) whether emulsified or not, or containing substances which may solidify or become viscous at temperatures between thirty-two degrees and one hundred fifty degrees Fahrenheit (zero and sixty-five degrees centigrade) at the point of discharge into the system; or any waste or water containing grease or oil of animal, vegetable, mineral, or petroleum origin, in excess of three

hundred milligrams per liter (mg/L); as measured by the analytical method approved by the Environmental Protection Agency;

- D. Any liquids, solids or gases which by reason of their nature or quantity are, or may be, sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any other way to the sewerage facilities or to the operation of the system. At no time shall two successive readings on an explosion hazard meter, at the point of discharge into the sewer system, be more than five percent nor any single reading over ten percent of the lower explosive limit (LEL) of the meter. When calibrating explosion hazard meters, the meter shall be calibrated using a representative standard of the combustibles expected to be present in the wastewater discharge. If a methane standard is used, the meter alarm shall be set at the lowest LEL for those combustibles expected to be present in the wastewater discharge. Pollutants which create a fire or explosion hazard in the POTW, including but not limited to, waste streams with a closed cup flashpoint of less than one hundred forty degrees Fahrenheit or sixty degrees centigrade using test methods specified in 40 CFR 261.21. Prohibited materials include, but are not limited to: gasoline, kerosene, naphtha, benzene, toluene, xylene, ethers, alcohols, ketones, aldehydes, peroxides, chlorates, perchlorates, bromates, carbides, hydrides and sulfides;
- E. Any waters or wastes having a pH factor lower than 5.0 or higher than 10.0, or having corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage system;
- F. Any waters or wastes containing a substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, or create any hazard in the receiving waters of the sewage treatment plant or any other part of the sewerage system. Any toxic substances in amounts exceeding standards promulgated by the Administrator of the United States Environmental Protection Agency pursuant to Section 307(a) of the Clean Water Act, and chemical elements or compounds, or other tastes or odor-producing substances, or any other substances which are not susceptible to treatment or which may interfere with the biological processes or efficiency of the wastewater treatment system, or that will pass through the system. Prohibited materials include, but are not limited to: acids, sulfides, concentrated chlorides and fluoride compounds, and substances which will react with water to form acidic products;
- G. Any garbage that has not been properly shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-fourth inch in any dimension;
- H. Any ashes, cinder, pulp, sand, cement, mud, straw, shavings, metal, glass, rags, feathers, tar, asphalt, resins, plastics, woods, animal hair, paunch manure, or any other substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewerage system;
- I. Any wastewater or unpolluted water from the user that dilutes, in any way, the wastewater stream in order to meet District or national discharge standards;
- J. Containing more than one thousand parts per million by weight of suspended solids;

- K. Exerting a fifteen-minute chlorine demand in excess of twenty parts per million;
- L. Having an objectionable color not removable by treatment process which causes discoloration of wastewater treatment effluent such that receiving water quality requirements established by law cannot be met;
- M. At a flow rate or containing such concentrations or quantities of pollutants, including oxygen demanding pollutants, as to constitute a slug loading to the treatment system. This is considered to be a pollutant concentration or wastewater flow rate that exceeds, for any time period longer than fifteen minutes, more than five times the average twenty-four hour concentration, quantities of flow during normal operation and that would cause a treatment process upset and subsequent loss of treatment efficiency;
- N. **Specific Limitations on Wastewater Discharges.** The following are the maximum concentrations of pollutants allowable in wastewater discharges to the wastewater treatment system, unless State or Federal limits are lower, in which case those limits shall control. Dilution of any wastewater discharge for the purpose of satisfying these pretreatment standards or any applicable pretreatment standards shall be considered a violation of this chapter and is prohibited.

Grab samples must be used for pH, cyanide, oil and grease, sulfide, and volatile organic compounds. Twenty-four hour composite samples or other time period approved by the Director are required for all other parameters, using flow-proportional techniques where feasible.

**Any wastes containing constituents in excess of the following are prohibited:**

<u>Pollutant</u>	<u>Concentration, (mg/L)</u>
Arsenic	0.21
Cadmium	1.57
Total Chromium	35.65
Chromium Hexavalent	5.26
Copper	2.17
Cyanide	0.08
Lead	6.04
Mercury	0.32
Nickel	1.15
Silver	0.70
Sulfide (dissolved)	0.2 (Monthly average, 1.0 Maximum)
Suspended Solids	3000
Zinc	25.23
pH, units	5.0 to 10

Temperature: Not over 104°F (except where higher temperatures are permitted by law) except in no case shall the temperature of the wastewater influent at the treatment plant exceed 104°F.

Oil or Grease of animal or vegetable Origin	300
Total petroleum hydrocarbons (TPH)	50
Methyl-t-butyl Ether (MTBE)	1.0
*Total toxic organics (TTO)	1.0
**Phenolics, Total	150
***Phenolics, chlorinated	0.6
Chlordane	$1.48 \times 10^{-5}$
DDT, o,p	0.011
dieldrin	$9.40 \times 10^{-5}$
endosulfan I	0.006
endrin	0.002
heptachlor	0.00014
heptachlor epoxide	$1.39 \times 10^{-5}$
hexachlorobenzene	23.50
Naphthalene	2350
Phenanthrene/Anthracene, C1 –	2349.99
Anthracene	2422.68
Fluoranthene	123.38
8 – PCB	$2.53 \times 10^{-9}$
2,3,7,8-TCDD	0.000138859

\*TTO is defined as the sum of all individual compounds listed in the Code of Federal Regulations (CFR) at 40 CFR 433.1 le with quantifiable concentrations greater than 0.01 mg/L when

measured using test methods approved under 40 CFR 136 or other methods approved for NPDES monitoring, and other toxic organic compounds as determined by the Director.

\*\*Phenols, total, by EPA Method 420.1.

\*\*\*Phenols, chlorinated, is defined as the sum of 2-chlorophenol, 2,4-dichlorophenol, pentachlorophenol, 2,4,6-trichlorophenol and 4-chloro-3-methylphenol (p-choloro-m-cresol). (Ord. 124 §1)

- O. Any waters or wastes containing substances including, but not limited to, suspended solids and soluble solids of such character and quality that is not susceptible to treatment or interfere with the process or efficiency of the treatment system, or that unusual attention or expense is required to handle such materials at the treatment plant;
- P. Pollutants which will result in the presence of toxic gases, vapors or fumes within the POTW in a quantity that may cause acute worker health and safety problems.
- Q. Any noxious or malodorous solids, liquids, or gases which, either singly or by interaction with other waste substances, are capable of creating a public nuisance or hazard to life, or are, or may be, sufficient to prevent entry into sewers for its maintenance or repair;
- R. Any radioactive wastes or isotopes of such half-life or concentration that they do not comply with regulations or orders issued by the appropriate authority having control over their use and which may cause damage or hazards to the sewage facilities or personnel operating the system;
- S. Any water or wastes containing dissolved sulfides in excess of one part per million;
- T. Septic tank sludge or effluent, or any trucked or hauled pollutants, except at discharge points designated by the POTW; or
- U. Any waste radiator coolant or any radiator wastewater generated from auto, truck or equipment maintenance;
- V. **Engine and Vehicle Parts Cleaning Waste.** Wastewater or other wastes from the cleaning of engines, undercarriages or vehicle parts. Such wastes must be either recycled in a closed-loop recycling system or hauled off-site for proper disposal;
- W. **Hazardous Waste.** Hazardous waste as defined by the California Code of Regulations (CCR) at CCR 66261.3. (Ord. 116 §2, 2007; Ord. 111 §2, 2006; Ord. 103 §5, 2003; Ord. 85 §3, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 15 §7, 1975; Ord. 3 §5.5, 1973)

#### **7.04.320 Additional Requirements**

Any requirement imposed by the Santa Cruz water pollution control plant and approved by the District Engineer, that is greater than, or in addition to, the above shall be the controlling requirement. (Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.6 (part), 1973)

**7.04.325 Private Sewer Maintenance**

A. Property owners shall be responsible for the maintenance, repair and proper operation of the Private Sewer Laterals and/or Private Sanitary Sewer Collection System that connects the sanitary sewer Building Drain(s) to the public Sewer Main, including the connection, regardless of whether any part of the Private Sewer Lateral or Private Sanitary Sewer Collection System is located on private property or within the public right-of-way. The District shall have no responsibility or obligation for the maintenance, repair, or proper operation of such Private Sewer Lateral or Private Sanitary Sewer Collection System. Property owners shall ensure that Private Sewers are maintained to prevent sanitary sewer overflows and limit exfiltration of sewage, inflow, and infiltration of extraneous water.

1. Owners of Private Sanitary Sewer Collection Systems shall clean the entire system, once annually, at the minimum, to ensure the line is free of obstructions. Prior to cleaning, the owner shall notify the District and obtain approval. Records of said cleanings shall be retained by the owner and furnished to the District upon request.
2. Owners of Private Sanitary Sewer Collection Systems shall obtain video inspections and inspection reports meeting the District's current requirements on all the Private Sewers in their entire system (laterals and private sewer collection lines) by January 1, 2022. All videos and inspection reports shall be provided to the District. The District will determine any necessary repairs/replacement and provide notice to the property owner. This video inspection/District review process shall be repeated every twenty years (at minimum).

**Exemption:** Those portions of the Private Sanitary Sewer Collection Systems which the owner can prove to the District have been constructed, inspected and approved by the District inspector within the twenty years prior to January 1, 2022, do not require submission of videos and inspection reports to the District on January 1, 2022. However, when videos of the Private Sanitary Sewer Collection System are required by the District for the next twenty-year video cycle, these previously un-videoed portions of the system will require videos and inspection reports, along with the rest of the system.

3. Owners of Private Sanitary Sewer Collection Systems shall prepare a maintenance program for the system addressing the operation, maintenance, and inspection of the lines, pump stations, and appurtenances in the system. A document outlining said program shall be provided to the District prior to July 1, 2023, or as required by the District Engineer. The document shall contain a schedule to complete all repairs deemed necessary by the District based on the District's review of the previously submitted videos and inspection reports as outlined in Section 7.04.325 (A)(2). The maintenance program and repair schedule shall be updated at least every twenty years, or more frequently as needed.
4. Building owners shall have the Private Sewer Lateral serving their building inspected by a licensed plumber using video inspection every ten years (at minimum) to ensure that the lateral is in good condition. Videos and corresponding inspection reports shall be retained by the owner and furnished to the District upon request.

5. Owners of private pump stations shall inspect and maintain the system annually (at minimum) to ensure that pump station failure does not result in a sanitary sewer overflow. The District may request maintenance and repair records at any time.
6. Maintenance of all Private Sewers (Private Sewer Laterals and Private Sanitary Sewer Collection Systems) shall include but not be limited to:
  - a. removing grease, settled debris, roots, and other obstructions;
  - b. replacing failed or deteriorating pipe segments or appurtenances;
  - c. repairing or eliminating non-watertight joints;
  - d. repairing or replacing pipe segments containing voids, cracks, or fractures;
  - e. correcting offset joints;
  - f. repairing connections to the public Sewer Main;
  - g. eliminating sags;
  - h. replacing materials or appurtenances not meeting current District standards, as deemed necessary by the District; and
  - i. removing any non-sanitary sewer connections from the Building Sewer.
7. The property owner shall be responsible for clearing any and all obstructions in the Private Sewer Lateral and/or Private Sanitary Sewer Collection System immediately upon discovery and/or notification by the District. Prior to any cleaning or repair work on the Private Sewer, the owner shall notify the District and gain necessary approvals.

B. Sanitary Sewer Overflows from Private Sewers

1. **Corrective Action.** If a building drain, Private Sewer Lateral, or Private Sanitary Sewer Collection System is not operating properly and causes the discharge of wastewater to any location outside of the building, it is considered a sanitary sewer overflow. Any sanitary sewer overflow condition shall constitute a public nuisance to be abated by the property owner. The following procedure shall take place:
  - a. The property owner shall:
    - i. take immediate action to stop the overflow immediately and have sewer blockages, breaks, and other deficiencies permanently repaired by a licensed plumber; and
    - ii. notify the District within twelve hours upon discovery or occurrence of the overflow.

- b. The District shall request abatement of the overflow and inspection of the Private Sewer by serving a Notice of Violation (N.O.V.) to a property owner, or posting the N.O.V. conspicuously on, or in front of, the building. The N.O.V. shall be deemed effective immediately upon service and begin the timeline for correcting and abating the sanitary sewer overflow.
  - c. Within seventy-two hours of service or posting of the N.O.V., the property owner shall have a licensed plumber inspect the Private Sewer (lateral and private collection lines, as needed) internally by a closed-circuit television camera to determine the cause of the overflow and identify remedial actions needed to bring the condition of the Private Sewer up to District standards. The property owner or licensed plumber shall submit to the District the video and a written inspection report describing the cause of the overflow and the remedial actions taken to repair the Private Sewer. The District shall evaluate the report and video and make a determination as to the acceptability of the remedial actions and whether additional remedial actions, including full or partial replacement of the Private Sewer Lateral and/or Private Sanitary Sewer Collection System, shall be taken.
  - d. Within fourteen calendar days after service of the N.O.V., the property owner must have obtained all required permits and completed all necessary repairs to bring the condition of the Private Sewer up to District standards and submit evidence of the repair or corrective action to the District.
2. **Penalties for Non-Compliance/Abatement by the District.** In addition to exercising any other remedies, if the corrective action is not completed within the required timeframes, the District may notify the owner of the Private Sewer of its intent to record an abatement order and may thereafter abate the nuisance at the owner's expense, including assessing an administrative fee to reimburse the District for all related administrative costs. The property owner may also be assessed civil penalties for failure to comply in the amount of a minimum of \$500 or as otherwise set by Board resolution for each day the violation continues after expiration of:
- a. the fourteen day deadline specified above; or
  - b. other deadline for repair or corrective action as set by the District.

The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the Private Sewer to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.

3. **Appeal.** Any appeal of an abatement order will be in accordance with Chapter 1.10 and as described herein. In the event that the District Engineer notifies the owner of its intent to record an abatement order and charge costs for abatement, enforcement, and/or assess civil penalties to the property owner, the property owner may request an appeal hearing in

accordance with the provisions of Chapter 1.10 and payment of an appeal fee as set by the District within ten calendar days from the date of service of the notice of intent to record the order. Absent such an appeal, the abatement order shall constitute a final administrative decision confirming such costs, and a lien or special assessment on the property may be recorded with the County Recorder without further hearing for failure to pay within sixty days. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.

4. **Disconnection.** In addition or alternative to any of the foregoing remedies, the District may disconnect any premises from the Public Sewer if remedial actions to correct sanitary sewer overflows are not timely taken in accordance with this Code and the directions of the District Engineer, and/or costs of abatement, including fees and penalties, are not paid. The District Engineer shall estimate the cost of disconnection of such premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the Public Sewer. In the event such arrearages are paid and premises are reconnected to the Public Sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action. (Ord. 141 §4, 2019; Ord. 111 §3, 2006)

#### **7.04.330 Preliminary Treatment and Control**

- A. Whenever deemed necessary by the District Engineer to meet the requirements of Section 7.04.310, a contractor shall, at his own expense, provide such preliminary treatment in accordance with County design criteria or take such other measures as shall be required by the District Engineer to change the characteristics, contents or rate of discharge of waters or wastes to be deposited in the public sewers of the District. Facilities for preliminary treatment, including facilities required hereunder, shall be subject to the approval of the District Engineer and shall be maintained and operated in a satisfactory and effective manner at the sole expense of the connector.
- B. A connector may be exempt from additional preliminary treatment requirements if he can verify to the satisfaction of the District Engineer through certified laboratory tests and valid documentation that the amount of prohibited waste discharged will be less than that allowed by the District ordinance. (Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.6 (part), 1973)

#### **7.04.340 Preliminary Treatment Facilities**

In compliance with this Section and Section 7.04.350, the District Engineer shall require preliminary treatment facilities to be provided by the connector, some of which are as follows:

- A. **Separators.** All wastes, other than sewage from residential premises, which contain or are likely to contain oil or grease in excessive amounts, or any flammable substance, sand or other harmful ingredient, shall be passed through a suitable separator before discharge to a public sewer. The separator shall be of a type and capacity approved by the District Engineer and shall be so located as to be readily accessible for cleaning and inspection.
- B. **Screens.** All wastes resulting from the wholesale processing of fruits, vegetables and other agricultural produce, including winemaking, shall be passed through suitable screens before discharge to a public sewer. The fine screen shall have openings of not more than one-thirty-second inch, unless otherwise permitted by the District Engineer. In addition, a coarse screen approved by the District Engineer shall be permanently fixed in the user's discharge line. Such coarse screen shall only be removed by District personnel.
- C. **Standards for Grease Interceptors for Establishments with Food Service.** Standards for Grease Interceptors for Establishments with Food Service. Such establishments shall include but not be limited to: restaurants of all types, hospitals, convalescent homes, and school cafeterias. The type of interceptor required shall be determined by the nature of the establishment where it will be used. Factors considered include type of food served, nature of waste discharged, operating hours, seating capacity, and type of appliances used. The size interceptor required shall be as determined by the District Engineer. Buildings remodeled for use requiring grease traps/interceptors shall be subject to the aforementioned regulations. Existing garbage grinders shall be removed at time of remodel. Abandoned interceptors shall be emptied and filled as required for abandoned septic tanks (see "Traps and Interceptors" in the California Plumbing Code).

**1. Interior Cast Iron Grease Trap.**

- a) At the District Engineer's discretion, the user may install a suitable grease trap inside the building served if the establishment does not have a garbage grinder or dishwasher and the grease waste generated is minimal. Size and specifications for cast iron type grease traps shall be as determined by the District Engineer.
- b) Each appliance connected to a precast, under-sink type interceptor shall have a flow control device installed. No dishwasher may be connected to these types of interceptors. Under-sink interceptors must be cleaned monthly or more frequently as needed to meet the discharge limits. (See Section 7.04.350 regarding proof of cleaning requirements.)

**2. Exterior Pre-Cast or Poured-in-Place Concrete Type Interceptors.**

- a) A concrete interceptor shall be installed by all other businesses with food service facilities where a grease trap is not adequate. The interceptor shall be located outside the building so that it is readily accessible for cleaning and inspection. Sizes and design specifications for concrete interceptors shall be as specified by the County design criteria or as determined by the District Engineer. All drains from the kitchen area shall be connected to the grease interceptor. No garbage grinder or garbage shredder shall be permitted to be installed. Garbage, fruit, vegetables, animal, or other solid kitchen

- b) waste materials resulting from preparation of any food or drink by a commercial establishment shall be allowed to enter the sanitary sewers. All restrooms shall be plumbed separately and connected to the building sewer downstream of the grease interceptor.
- c) Large interceptors must be maintained by the owner or operator at his/her own expense and pumped out, by a County-licensed liquid waste hauler, every three months or as often as needed to meet the discharge limit of fifty milligrams per liter of grease and oil. Maintenance shall require that the entire contents of an interceptor be pumped out. Decanting from interceptor pumpers to the sewer is prohibited. No such accumulated oil and grease shall be introduced into any drainage piping, public or private sewer. Industrial discharges, including restaurants, shall be responsible to show proof of legal disposal of their wastes. The District shall have the right to require inspection of the pumping procedures of a pumping company by requiring the pumper to arrange an appointment with the District prior to pumping any facility designated by the District. A record of grease trap/interceptor maintenance shall be maintained for a minimum of a twelve-month period and be made available for inspection and/or copies furnished upon request by the District. (See Section 7.04.350 regarding proof of cleaning requirements.)
- d) Interceptors shall be installed in such a manner that storm water may not enter the device. (Ord. 139 (part), 2019; Ord. 103 §6, 2003; Ord. 85 §4, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 3 §5.7, 1973)

#### **7.04.350 Preliminary Treatment Facilities—Construction and Maintenance**

- A. Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for approval of the District Engineer, and no construction of such facilities shall commence until said approvals are obtained in writing. Such approval shall not exempt the discharge of such facilities from compliance with any applicable code, ordinance, rule, regulation, or order of any governmental authority. Any subsequent alterations or additions to such pretreatment or flow control facilities shall not be made without due notice to, and prior approval of, the District Engineer.
- B. Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. Receipts from cleaning of facilities shall be submitted to the District for verification of proper maintenance and to verify that cleaning is done at the intervals specified by the District. Receipts from pretreatment unit or grease trap/interceptor cleaning shall contain pumping manifest information as required by the RCRA and the State of California. Minimum information required shall include: name of waste generator, name and quantity of waste, name, address, and signature of responsible person at the ultimate destination of the waste, and the identification number of the waste if hazardous. The use of enzymes, bacteria, bacteria-enzymes, or any other type of degreasing agent without District approval is strictly prohibited. The use of any of the above ingredients in a drain or grease trap shall cause the District to revoke the user's permit or levy an administrative fine of not less than two hundred dollars per instance. Manifests showing that grease traps or interceptors were pumped more than thirty days past the required pumping date will receive a notice of violation. Subsequent violations will

result in a fine of not less than two hundred dollars per offense. (Ord. 85 §5, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 22 §1 (part), 1978; Ord. 3 §5.8, 1973)

#### **7.04.360 Control Manholes**

- A. The District Engineer may require the connector, if its sewer will carry industrial wastes, to install a suitable control manhole in the sewer to facilitate observation, sampling and measuring of wastes. Such manhole, when required, shall be installed within ninety days of the first notification by the District, shall be accessibly and safely located, and shall be constructed in accordance with the plans approved by the District Engineer. The manhole shall be installed by the users at their expense and shall be maintained by them so as to be safe and accessible at all times. A sampling port, suitable to District requirements, may also be required or may be allowed in lieu of a manhole, as determined by the District Engineer.
- B. The District may require a discharger to demonstrate that in-plant modifications will reduce or eliminate the discharge of such substances in conformity with this chapter.
- C. The District may also require pretreatment, including storage facilities, or flow equalization necessary to reduce or eliminate the objectionable characteristics or substances so that the discharge will not violate these rules and regulations.
- D. If abandoned, any required pretreatment device must be either completely removed from site or, if a concrete tank, be pumped and filled as required for abandoned septic tanks, pursuant to the California Plumbing Code and applicable County ordinances.

(Ord. 139 (part), 2019; Ord. 72 §1 (part), 1991; Ord. 64 §2 (part), 1989; Ord. 37 §2 (part), 1983; Ord. 22 §2, §3, 1978; Ord. 3 §5.9, 1973)

#### **7.04.370 Special Agreements**

No statement contained in this chapter shall be construed as preventing the District from making any special agreement or arrangement with connectors whereby waste of unusual strength or character may be received for treatment; provided, that any abnormal costs of conveyance and treatment of the waste shall be borne entirely by the connector entering into such agreement. (Ord. 72 §1 (part), 1991; Ord. 3 §5.13, 1973)

#### **7.04.375 Private Sewer Repair**

##### **A. Requirements Generally.**

- 1. All sewer lines, lift stations, and appurtenances from the building wall to and including the connection to the Public Sewer Main are the property of the owner of the parcel upon which the connected building is sited. All property owners whose properties are connected to a Public Sewer Main or otherwise connected to the District's sewer system by a Private Sewer Lateral shall, at their own expense, maintain the Private Sanitary Sewer Collection System and Private Sewer Lateral in a fully functioning condition and ensure the lines are free of cracks, fractures, voids, leaks, inflow or infiltration of extraneous water, exfiltration of sewage, root intrusion, obstructions, offset joints, sub-standard materials, faulty mainline

connections or other defects identified by the District. Property owners shall ensure that lines drain freely to the Sewer Main without excessive sags that collect grease and sediments. Owners shall also ensure that pump or lift stations are maintained in proper working order.

2. Owners of Private Sewers shall ensure that they are maintained per Section 7.04.325.

3. **Private Sewer Repair.**

- a) Should more than two overflows occur within a six-month period, it is required that the Private Sewer be video recorded and repaired or replaced and certified in writing, by a licensed plumber, to be in good working condition and free of obstructions and/or breaks.
- b) Before close of escrow (in transfer of title sales only), any property that includes buildings or structures, connected to a Private Sewer Lateral, constructed more than twenty years, before the date of sale and has not had its sanitary sewer system inspected and approved by the District within the past twenty years, shall have the sanitary sewer system video inspected and evaluated by a licensed plumber, using the District's current inspection report. The District shall consider an acceptable video inspection valid for a period of one year from the date of the recording. The District shall determine if the Private Sewer is in good working order and free of the conditions listed in subsection (A)(3)(c) below. The testing/inspection and repair, where required by the District, shall be the responsibility of the seller, nontransferable to the buyer. The District will not assume responsibility for costs of the testing and/or repairs. Requirements of this ordinance must be disclosed by the seller to the buyer in a timely manner prior to the close of escrow. The District shall have ten working days from the date of the plumber's inspection report and video submittal to provide review comments to the plumber. If the District finds that the submitted video and inspection report are not complete or do not meet District standards, the District shall have ten working days from the date of the completed resubmittal to provide review comments.

1. **Option to Transfer Seller's Responsibility to Buyer.** Before the sale of property, the seller and buyer of the property may mutually agree to transfer the responsibility for making any needed repairs to the Private Sewer Lateral in compliance with this chapter, to the buyer. In the event the buyer agrees to assume responsibility for repairing the Private Sewer Lateral, the seller shall provide the inspection video and inspection form (reviewed by the District) to the buyer, which indicates the repairs needed to meet the District's standards. The buyer shall then complete the repairs to meet the District's standards no later than ninety calendar days after the date of the Transfer of Responsibility is accepted by the District. Before the time of sale, the seller and buyer shall complete the following procedures:

- i) Both the seller and buyer shall sign a Transfer of Responsibility to Repair Form certifying that the seller has completed an inspection, obtained repair requirements

from the District, and that the buyer has assumed responsibility for these required repairs; and

- ii) The signed Transfer of Responsibility to Repair form must be accepted by the District before the close of escrow and included in the real estate transfer documentation.

**Verification of Compliance.** The seller (or buyer if a valid Transfer of Responsibility to Repair Form exists) shall verify compliance with this chapter by obtaining a completed County of Santa Cruz Sanitation District Permit, stamped and signed by the District Inspector.

- c) The Private Sewer must be replaced or repaired if a licensed plumber or the District encounters any of the following during inspection: obstructions, root intrusion, offset or leaky joints, cracks, fractures, voids, breaks, significant sags, damaged or defective cleanouts, inflow and infiltration of extraneous water, exfiltration of sewage, older pipe materials that are known to be inadequate, appurtenances and materials that are defective or sub-standard, damaged Sewer Main connections, other defects identified by the District, inadequate lift or pump stations, and inadequate alarm systems for overflows.
- d) An existing Private Sewer Lateral may only be connected to by a new or existing building when video inspection of the Private Sewer Lateral has shown, to the satisfaction of the District Engineer, that none of the conditions in subsection (A)(3)(c) of this section are present. See Section 7.04.090 for additional requirements and exceptions.
- e) Before the District will permit a building remodel or building addition, the applicant must provide to the District a video and inspection report for the existing Private Sewer Lateral completed by a licensed plumber per current District requirements. The District will determine if the remodeled building or building addition may be permitted or if repairs or replacement of the existing Private Sewer Lateral are required prior to permitting. Conditions in subsection (A)(3)(c) above are grounds for repairs.

**Exceptions:**

1. If the applicant can provide documentation proving the entire existing Private Sewer Lateral was constructed and approved by inspection by the District within the twenty years prior to the application date, a video and video inspection report will not be required.
2. This section does not apply to remodels that do not consist of the following:
  - (a) an increase in the square footage of the building; or

(b) an increase in the previously permitted plumbing fixture units within the building.

4. **Cleanout and Overflow Devices.** A cleanout and an overflow device approved by the District Engineer shall be installed and maintained, at the sole expense of the property owner, on all Private Sewer Laterals. In general, the overflow device shall be located as close to the building wall as practical. The installation of the devices shall be required as follows:
  - a. When building a new structure on a property with an existing sewer system, or when otherwise proposing to connect a previously unconnected structure to an existing Private Sewer;
  - b. As a condition of approval of any major building remodel project. A major building remodel project is one that increases the square
  - c. footage of the building or increases the previously permitted plumbing fixture units within the building;
  - d. Prior to the close of escrow when the property is transferred via sale or other transfer of ownership by deed, instrument or writing; or
  - e. Whenever the District finds that a sewage spill emanating from a Private Sewer presents a threat to public health, even if it has not flowed across a property line.
  
- B. **Civil and Administrative Penalties.** The District may impose civil administrative penalties against a property owner who fails to perform any act required in this section, which failure results in an overflow reaching public or private property other than the property owner's property, according to the schedule outlined in Section 7.04.325 (B)(2).
  1. The District may impose civil administrative penalties against a property owner who fails to comply with the escrow requirements of Section 7.04.375(A)(3)(b) according to the following: Any person who intentionally violates the escrow requirements of this chapter or any regulations of the District is guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed thirty days, or both. Fines assessed by any judgment made by the District as a result of noncompliance with District standards shall be paid to the District within fifteen days of the date of the assessment.
  2. The District Engineer shall have the authority to establish, waive, suspend, or otherwise modify any civil administrative penalty imposed by this section upon a showing that the property owner has satisfactorily repaired the Private Sewer to a degree sufficient to ensure avoidance of further violations or upon a showing by the property owner of severe financial hardship.
  3. The District may disconnect any premises from the Public Sewer if required repairs are not made. The District Engineer shall estimate the cost of disconnection of such

premises and the cost of reconnecting it thereto, and the owner of the premises shall deposit the cost as estimated of disconnection and reconnection before such premises are reconnected to the Public Sewer. In the event such arrearages are paid and premises are reconnected to the Public Sewer, the District Engineer shall refund any part of the deposit remaining after payment of all costs of disconnection and reconnection. During the period of non-connection or disconnection, habitation of such premises by human beings shall constitute a public nuisance, whereupon the Board shall cause proceedings to be brought for the abatement of the occupancy of the premises by the human beings. In such event, and as a condition of connection or reconnection, there shall be paid to the District reasonable attorney's fees and costs of suit arising in the action.

(Ord. 141 §5, 2019; Ord. 123 §5, 2011; Ord. 111 §4, 2006)

#### **7.04.380 Inspection of Sewer Facilities on Private Premises**

- A. Whenever the District Engineer or any authorized representative of the District (1) has cause to suspect that a nuisance exists in any users' facilities, or (2) wishes to ascertain whether an industrial user is complying with the purposes and requirements of this chapter, the District's representative may enter and inspect the facilities for the above purposes. If the owner or occupant refuses or delays entry to the District's representative, such refusal or delay constitutes a misdemeanor.
- B. Persons or occupants of premises where industrial wastewater is generated or discharged shall allow the District's representative ready access at all reasonable times to all parts of the premises for the purpose of inspection or sampling and in the performance of any of their duties.
- C. The District shall have the right to set up on the industrial discharger's property such equipment as is necessary to conduct sampling or metering of wastewater flows. The industrial discharger shall not tamper with, alter or damage any equipment used by the District for the purposes of inspection or monitoring.
- D. Where the industrial discharger has security measures in force which would require proper identification and clearance before entry into the premises, the industrial user shall make the necessary arrangements with the security guards so that, upon the presentation of suitable identification, District personnel will be permitted to enter without delay for the purpose of performing inspection activities. (Ord. 72 §1 (part), 1991; Ord. 15 §8 (part), 1975; Ord. 3 §5.14; 1973)

#### **7.04.390 Suspension of Service**

Any person who discharges wastewater into a public sewer shall be liable for any damage to the public sewer and sewer system. When deemed necessary by the District Engineer or the County health officer for the preservation of public health or safety or for the protection of the public or private property, he may suspend sewer service to any person or persons using the sanitary sewer system in a manner or way as to endanger the public health and safety or public or private property, and in this regard sever from the public sewer all pertinent connections thereto. If such endangerment is imminent, then the District Engineer or the County health officer may act immediately to suspend service without giving

advance notice or warning whatsoever to the person or persons. (Ord. 72 §1 (part), 1991; Ord. 15 §8 (part), 1975; Ord. 3 §5.15, 1973)

#### **7.04.400 Remedy for Noncompliance**

Should any discharger fail to install the proper preliminary treatment facility within six months of first being notified, the District may contract the necessary work. Such charges for the necessary work shall constitute a lien against the lot or parcel of land for which the preliminary treatment facility was installed, upon recording thereof with the County recorder. Such lien shall have the force, effect and priority of a judgment lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.

#### **7.04.405 Overcapacity and Environmentally at-Risk Sewer Mains**

- A. A maximum of four sewer connections per existing vacant lot or one thousand gallons per day discharge for commercial projects will be allowed to connect to sewer main lines which the Board determines are overcapacity and/or environmentally at risk.
- B. A sewer line shall be declared "overcapacity" or "environmentally at risk" by resolution of the Board following a public hearing.
- C. This section shall not apply to sewer connections for any development or building improvement for which a will serve letter has been issued prior to the designation of the sewer main as overcapacity and/or environmentally at risk.
- D. The District will issue conditional will serve letters for an affected basin at the time of award of the contract to replace or repair the sewer main.
- E. This section shall not apply to public projects.
- F. This section shall take effect immediately to preserve the public health and safety of all persons which may be affected by the lack of capacity and environmental risks of the sewer lines of the Santa Cruz County Sanitation District. The facts constituting the urgency are as follows: excess connections to any sewer main which by resolution of this Board are declared to be overcapacity or environmentally at risk could cause any such sewer main to surcharge and overflow. (Ord. 78, 1993)

## ARTICLE V. PERMITS AND FEES

### **7.04.410 Permit Required**

No person or public corporation shall be permitted to connect to, use or maintain a connection to the sewerage facilities of the District without the permits required and issued as provided in this article. No unauthorized persons shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Director of Public Works. (Ord. 72 §1 (part), 1991; Ord. 3 §6.1, 1973)

### **7.04.420 Property Within District**

No permit shall be valid unless the real property to be served by use of the permit is included within the boundaries of the District or by special agreement with the District. All dischargers outside of the District who discharge to the District sewer shall comply with all District codes and be subject to District discharge limitations. (Ord. 72 §1 (part), 1991; Ord. 15 §9 (part), 1975; Ord. 3 §6.2, 1973)

### **7.04.430 Permit—Application**

Applications for a permit, in a form approved and supplied by the District, shall be made with the District Engineer. The applicant may be required to furnish the location, ownership, occupancy and use of the premises in connection therewith and to furnish data regarding present and anticipated future flows and the quality of discharge. The District Engineer may require plans, specifications or drawings and such other information as he may deem necessary. (Ord. 72 §1 (part), 1991; Ord. 15 §9 (part), 1975; Ord. 3 §6.3, 1973)

### **7.04.440 Permit—Issuance**

The District Engineer or his delegated representative is authorized to issue sewer connection permits, and is directed to collect all fees, deposits and charges which, by the provisions of this chapter or other ordinance of the District, are payable by the applicant on or before the delivery of the permit to the applicant. (Ord. 72 §1 (part), 1991; Ord. 15 §2 (part), 1975; Ord. 3 §6.4, 1973)

### **7.04.450 Permit—Compliance**

After the issuance of a permit, no change shall be made in the location of the sewer, the grade, materials, or other details from those described in the permit or as shown on the plans and specifications for which the permit was issued, except with written permission from the District, the District Engineer or other authorized representative. (Ord 72 §1 (part), 1991; Ord. 15 §2 (part), 1975; Ord. 3 §6.5, 1973)

### **7.04.460 Permit—Agreement**

The applicant's signature on a permit shall constitute an agreement to comply with all of the provisions, terms and requirements of this chapter and other applicable ordinances, rules and regulations of the District and with the plans and specification she has filed with his permit, if any, together with such corrections or modifications as may be made or permitted, if any. Such agreement shall be binding upon the applicant and may be altered only upon written request for the alteration from the applicant. (Ord. 72 §1 (part), 1991; Ord. 15 §2 (part), 1975; Ord. 3 §6.6, 1973)

### **7.04.470 Permit—Time Limits**

If work under a permit is not commenced within six months from the date of issuance or if, after partial completion, the work is discontinued for a period of one year, the permit shall thereupon become void

and no further work shall be done until a new permit has been secured. A new fee shall be paid upon the issuance of the new permit. (Ord. 72 §1 (part), 1991; Ord. 3 §6.7, 1973)

#### **7.04.480 Street Excavation Permit**

A separate permit must be secured from the County or any other person having jurisdiction thereover by owners or contractors intending to excavate in a public street for the purpose of installing sewers or making sewer connections. (Ord. 72 §1 (part), 1991; Ord. 3 §6.8, 1973)

#### **7.04.490 Fee Refund**

Eighty percent of the sewer connection fee may be refunded by the District if the sewer connection permit is voluntarily withdrawn within six months after its date of

#### **7.04.500 Industrial Waste—Monitoring and Reporting**

##### **A. Discharge Reports.**

1. Every industrial user shall file a periodic discharge report at such intervals as are designated by the District. The District may also require any other users discharging or proposing to discharge into the treatment system to file such periodic reports. Those dischargers who have successfully eliminated their discharges and are, effectively, zero-dischargers must certify each year that they are still not discharging by submitting a statement verifying their zero-discharge status every year before the end of January. The user certifying zero-discharge must meet all of the conditions for zero-discharge:
  - a) No discharge of process wastewater to the sanitary sewer is permitted.
  - b) The industrial user is required to notify the District of any changes in operation resulting in a potential for discharge immediately upon discovery.
  - c) An initial and annual certification of that no discharge has occurred is required at the end of January each year.
  - d) The District may inspect the industrial users' facilities as necessary, without notice, to assess and assure compliance with the "no discharge requirement."
  - e) The industrial user must comply with the Resource Conservation and Recovery Act (RCRA) and State hazardous waste and air regulations regarding the proper disposal of hazardous waste. Alternative waste disposal other than sanitary sewer disposal of process wastewater must not adversely impact any other environmental media such as air, any water bodies, and/or soil.
2. The discharge report shall include, but, in the discretion of the District, shall not be limited to, nature or process, volume, rates of flow, mass emission rate, production quantities, hours of operation, concentrations of controlled pollutants, or other information which relates to the generation of waste. Such reports may also include the chemical constituents and quantity of liquid materials stored on site even though they are not normally discharged. Discharge reports shall be signed by the owner or an executive officer of the industrial user, company or corporation. In addition to discharge

reports, the District may require information in the form of industrial discharge permit applications, self-monitoring reports and cleaning receipts or contracts.

**B. Records and Monitoring.**

1. All industrial users who discharge or propose to discharge wastewaters to the wastewater treatment system shall maintain such records of production and related factors, effluent flows and pollutant amounts or concentrations that are necessary to demonstrate compliance with the requirements of this chapter and any applicable State or Federal pretreatment standards or requirements.
2. Industrial users subject to pretreatment reporting requirements shall maintain records of all information resulting from any monitoring activities. Such records shall include for all samples:
  - a) The date, exact place, method, and time of sampling, and the names of the person or persons taking the samples;
  - b) The dates analyses were performed;
  - c) Who performed the analyses;
  - d) The analytical techniques/methods used; and
  - e) The results of such analyses.
3. Industrial users shall retain for a minimum of three years any records of monitoring activities and results and shall make such records available for inspection and copying by the SWQCB, the USEPA, the City or County when requested. Records shall be retained for a period longer than three years in the case of unresolved litigation, or upon request of the EPA, SWQCB, the City or the District.
4. Such records shall be made upon request by the District. All such records relating to compliance with pretreatment standards shall be made available to officials of the U.S. Environmental Protection Agency upon demand. A summary of such data indicating the industrial user's compliance with this chapter may be required quarterly for submittal to the District.
5. The owner or operator of any premises or facility discharging industrial wastes into the system shall install, at his own cost and expense, suitable monitoring equipment to facilitate the accurate observation, sampling and measurement of wastes. Such equipment shall be maintained in proper working order and kept safe and accessible at all times.
6. The monitoring equipment shall be located and maintained on the industrial user's premises outside the building. When such a location would be impractical or cause undue hardship on the user, the District may allow such facility to be constructed in the public street or sidewalk area, with the approval of the public agency having jurisdiction

over such street or sidewalk and located so that it will not be obstructed by public utilities, landscaping or parked vehicles.

7. When more than one user can discharge into a common sewer, the District may require installation of separate monitoring equipment for each user. When there is a significant difference in wastewater constituents and characteristics produced by different operations of a single user, the District may require that separate monitoring facilities be installed for each separate discharge.
8. Whether constructed on public or private property, the monitoring facilities shall be constructed in accordance with the District's requirements and all applicable construction standards and specifications. Engineered plans may be required, if so specified by the District Engineer.

### C. Inspection, Sampling and Analysis.

1. **Compliance Determination.** Compliance determinations with respect to Section 7.04.310, prohibitions and limitations, may be made on the basis of either instantaneous grab samples or composite samples of wastewater. Composite samples may be taken over a twenty-four-hour period, or over a longer or shorter time span, as determined necessary by the District to meet the needs of specific circumstances.
2. a.) **Analysis of Industrial Wastewater.** Collection and preservation of industrial wastewater samples shall be in accordance with the techniques approved by the Environmental Protection Agency. All analyses shall be performed in accordance with procedures contained in 40 CFR Part 136 and amendments thereto or with any other test procedure approved by the EPA administrator.  
  
b.) Where 40 CFR Part 136 does not include sampling and analytical techniques for the pollutants in question, sampling and analyses shall be performed using validated analytical methods as prescribed in the most current edition of Standard Methods for the Examination of Water and Wastewater, as published jointly by the American Public Health Association, the American Water Works Association and the Water Pollutant Control Federation.
3. **Sampling Frequency.** Sampling of industrial wastewater for the purpose of compliance determination with respect to Section 7.04.310, prohibitions and limitations, will be done at such intervals as the District may designate. However, it is the intention of the District to conduct compliance sampling or cause such sampling to be conducted for all industrial users at least once a year. Any authorized officer or employee of the District or the City may enter and inspect at any reasonable time any part of the sewer system of the District. The right of entry and inspection shall extend to public streets, easements and property within which the system is located. Additionally, the District or City shall be permitted, as appropriate, to enter onto private property to inspect industrial waste dischargers. The right of inspection shall include on-site inspection of pretreatment and sewer facilities, observation, measurement, sampling, testing, and access to (with the right to copy) all pertinent compliance records located on the premises of the industrial user, including receipts or proof of cleaning.

- D. **Reports Required by Federal Law.** Every industrial user shall submit to the District all required reports as well as those reports required to be submitted to the control authority under the Code of Federal Regulations, Title 40, Section 403.12 (40 CFR Section 403.12), as now in effect or as hereafter amended. These reports shall be submitted under the same circumstances and at the same times and shall include the same information, as required by that section of the Code of Federal Regulations. Reports shall be signed by the owner or an executive officer of that industrial user company or corporation. At the discretion of the District, such reports may be combined with other reports required by this code, when timely and appropriate.

Industrial users whose reports show noncompliance with local or national pretreatment standards or limits, or who have exceeded the local limits or national pretreatment standards as a result of the District sampling, shall be sampled again by the District within thirty days of that violation. If the results of the second sampling reveal continued noncompliance, then the District will subsequently continue to sample at least every thirty days until compliance by the user is achieved. All subsequent sampling costs from the District sampling shall be borne by the user. Payment of sampling charges shall be paid to the District within ninety days of notification. The District shall revoke the user's permit if payment is not made within the specified time.

The District shall publish each year a list of those users who were in significant noncompliance of District and national pretreatment standards. (Ord. 103 §7, 2003; Ord. 85 §6, 1995; Ord. 72 §1 (part), 1991; Ord. 64 §3 (part), 1989; Ord. 37 §3 (part), 1983; Ord. 3 §6.10, 1973)

#### 7.04.510 Industrial Discharge Permit System

- A. **Wastewater Discharge Permits Required.** All users proposing to discharge into District sewer lines, other than residential, or into any part of the wastewater treatment system must first obtain a discharge permit therefor. All existing users, other than residential, connected or discharging to any part of the waste treatment system must obtain a wastewater discharge permit within ninety days from and after the effective date of the ordinance codified in this chapter.
- B. **Permit Application.** Users seeking a wastewater discharge permit shall complete and file with the District an application in the form prescribed by the District and accompanied by the applicable fee.
1. In support of this application, the user shall submit the following information:
    - a) Name, address, assessor's parcel number, and standard industrial classifications number of applicant;
    - b) Volume of wastewater to be discharged;
    - c) Wastewater constituents and characteristics including, but not limited to, those set forth in Section 7.04.310, as determined by a reliable analytical laboratory;
    - d) Time and duration of discharge;

- e) Average peak wastewater flow rates, including daily, monthly and seasonal variations, if any;
  - f) Site plans, floor plans, mechanical and plumbing plans, and details to show all sewers and appurtenances by size, location, and elevation;
  - g) Description of activities, facilities and plant processes on the premises, including all materials and types of materials which are, or could be, discharged;
  - h) Each product produced by type, amount and rate of production;
  - i) Number and type of employees, and hours of work; and
  - j) Any other information as may be deemed by the District to be necessary to evaluate the permit applications.
2. The permit application shall be signed by an authorized representative of the industrial user.
3. Permit fees shall not be used for the acquisition, construction, reconstruction, maintenance, or operation of the District's wastewater treatment system, nor for any other purposes or expenses incurred by the District other than to defray the cost incurred in issuing such wastewater discharge permits and inspecting for accuracy and compliance with such permits.
4. **Delinquent Fees.** Any person who does not file an application for a wastewater discharge permit within the time specified in this section shall be assessed a penalty for delinquent filing as follows:
- a) Up to and including thirty days delinquency, the penalty shall be fifty percent of the permit fee.
  - b) More than thirty days but less than one-year delinquency, the penalty shall be one hundred percent of the permit fee.
  - c) More than one-year delinquency, the penalty shall be one thousand percent of the permit fee.
- C. 1.) Within seventy-two hours of application, excluding weekends and holidays, the District shall notify the City of potential categorical users who apply for connection to the District's sewer, and in addition the District shall forward a copy of an updated list of all new and existing industrial users every ninety days.
- 2.) The District will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the District may issue a wastewater discharge permit subject to terms and conditions provided herein.

- D. **Permit Conditions.** Wastewater discharge permits shall be expressly subject to all provisions of this chapter and all other regulations, user charges and fees established by the District. The conditions of wastewater discharge permits shall be uniformly enforced in accordance with this chapter, and applicable State and Federal regulations.
1. Permit conditions will include the following whenever applicable:
    - a) The unit charge or schedule of user charges and fees for the wastewater to be discharged to the system;
    - b) The average and maximum wastewater constituents and characteristics;
    - c) Limits on rate and time of discharge or requirements for flow regulation and equalization;
    - d) Requirements for installation of inspection and sampling facilities, and specifications for monitoring programs, and the sampling location(s) of regulated waste streams;
    - e) Requirements for maintaining and submitting technical reports and plant records relating to wastewater discharges;
    - f) Daily average and daily maximum discharge rates, or other appropriate conditions when pollutants subject to limitations and prohibitions are proposed or present in the user's wastewater discharge;
    - g) Compliance schedules;
    - h) Requirements for the installation of any technology required to meet applicable pretreatment standards and requirements; and
    - i) Other conditions to ensure compliance with this ordinance.
  2. The District shall have the authority to deny or condition new or increased contributions of pollutants or changes in the nature of pollutants when such contributions do not meet applicable pretreatment standards and requirements or where such contributions would cause the treatment facilities to violate its Federal or State permits. The discharger shall reapply for a permit to cover those changes.
  3. The District shall require compliance with applicable pretreatment standards. A noncompliant industrial user may be placed on a compliance schedule in order to meet pretreatment standards.
  4. The District shall control the contribution to the wastewater treatment plant by each industrial user to ensure compliance with the applicable national categorical standards and requirements.

- E. **Duration of Permits.** Permits shall be issued for a specified time period not to exceed three years. A permit may be issued for a period of less than one year or may be stated to expire on a specific date. If the user is not notified by the District thirty days prior to the expiration of the permit, the permit shall automatically be extended for six months. The terms and conditions of the permit may be subject to modification and change by the District during the life of the permit, as limitations and requirements as identified in Section 7.04.310 are modified or changed. The user shall be informed of any proposed changes in their permit at least thirty days prior to the effective date of change. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.
- F. **Transfer of a Permit.** Wastewater discharge permits are issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned or transferred or sold to a new owner, new user, different premises, or a new or changed operation.
- G. **Revocation of Permit.** Any user who violates the following conditions of his/her permit or of this code, or of applicable State and Federal regulations, is subject to having his/her permit revoked:
1. Failure to accurately report the wastewater constituents and characteristics of his/her discharge;
  2. Failure to report, in advance, increases for (a) volume of wastewater discharged, or (b) concentration of any pollutant discharged.
- H. **Refusal to Issue Permit.** The District Engineer may refuse to issue a wastewater discharge permit if any one or more of the following conditions exist:
1. The application is not accompanied by the appropriate permit application fee;
  2. The application for a permit contains false or misleading information;
  3. The issuance of the permit would result in the discharge of industrial wastes of such quantity or strength that violates regulations set forth in this code;
  4. The issuance of the permit would cause the City's wastewater treatment plant to violate any NPDES permit conditions, laws or regulations of the State and/or Federal government; or
  5. The applicant has not provided plans for secondary containment protection from accidental discharges to the land, storm drain system and sanitary sewer system, in accordance with the requirement of the California Code of Regulation Chapter 30 of Division 4 of Title 22 and the County of Santa Cruz's hazardous materials ordinance and amendments thereto (for both documents).

If the District Engineer refuses to issue a permit, a written notice explaining the grounds for refusal shall be sent to the permit applicant. The permit application fee shall not be returned to the applicant, unless the District Engineer has ascertained that a permit is not required to discharge the wastewater for which the permit application is made.

Such penalties shall be in addition to any penalties or fines levied under Sections 7.04.530 and 7.04.540 or any other section of the District's code.

- I. **Confidentiality.** Any information submitted to the District may be claimed as confidential by the submitter; however, the claim must be asserted at the time of submission by stamping the words "confidential business information" on each page containing such information. Information and data provided to the District which is effluent data shall be available to the public without restriction. Confidential information will be available to EPA and the State Water Quality Board, but these agencies will be advised of required confidential treatment of such information.
- J. **Required Best Management Practices for Businesses.** All business activities shall implement required best management practices (BMPs) as detailed in the latest BMP pamphlet specific to that business published by the SCCSD. New employees shall be trained in best management practices before beginning work and annually thereafter, using the BMP pamphlet as a reference. All facilities that utilize and store hazardous materials and/or hazardous waste must have spill response materials and must have employees present on all shifts that are trained to respond to spills. All hazardous materials and waste must be secondarily contained.

#### 1. Food Service Facilities.

- a) Food Service facilities will meet the requirements of Section 7.04.340, Preliminary treatment facilities, of this code regarding grease interceptors.
- b) Garbage grinders shall not be connected to the sanitary sewer.
- c) Floor mats must be cleaned in an area where 1) wastewater emanating from the floor mat cleaning will drain to the grease interceptor prior to being discharged to the sanitary sewer; and 2) drain screens are present to retain particles larger than one-half inch which shall not be discharged to the interceptor nor the sanitary sewer.

#### 2. Vehicle Service Facilities.

- a) Oils, greases, fuels, solvents, aqueous cleaners, or radiator fluids (including radiator flushing wastewater) shall not be discharged to the sanitary sewer.
- b) No wastes, including rinse water, from any engine or parts cleaning may be discharged to the sanitary sewer. Wastewater from engine and parts cleaning must be either recycled in a closed-loop system or hauled off-site for proper disposal.
- c) Exterior vehicle washing using detergents or cleansers must be conducted in a District-approved wash pad area. The wash pad area must be sloped and bermed to prevent discharge to the storm drain and to prevent excess stormwater from running to the pad area drain. The wash pad must be covered unless exempted by the Director. All wash water must be routed through a District-approved clarifier (3-stage, 1,500-gallon minimum) to remove solids, oil and grease.

- d) Service bays will be cleaned using dry clean-up methods wherever possible or mopped using a mop and bucket. Mop water may be discharged to the sanitary sewer. Service bays may not be hosed down unless the rinse water is collected and routed to a clarifier.
- e) Clarifiers must be completely cleaned out once every three hundred sixty-five days or more frequently if deemed necessary by the District Engineer. Clarifier sludge must be disposed of according to 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act.
- f) Waste disposal records, including hazardous waste manifests, must be kept on-site for three years and shall be made available to District inspectors upon request.
- g) All drainage ditches or sumps on private property will be cleaned out each year between September 1st and October 31st.
- h) Floor drains in work areas for existing vehicle service facilities, including service bays, are strictly prohibited unless they are connected to a District-approved clarifier. Floor drains are strictly prohibited for new and remodeled vehicle service facilities. Clarifiers will only be approved for new and remodeled vehicle service facilities if located exterior to the building and used exclusively for washing the exterior of vehicles. (Ord. 123 §6, 2010)

### **3. Dry-Cleaning Facilities.**

- a) Perchloroethylene and any other dry-cleaning chemical is strictly forbidden from being discharged to the sanitary sewer.
- b) Separator water must be disposed of as a regulated hazardous waste according to 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act. Under no circumstances may separator water be discharged to the sanitary sewer. Separator water shall not be added to boilers or cooling towers. This will result in perchloroethylene entering the sewer.
- c) All secondary containment must be impermeable to perchloreoethylene. Brick and cement are permeable and therefore require additional lining.
- d) Floor drains are not permitted in dry cleaning facilities.

### **4. Printers.**

- a) Floor drains in work areas are prohibited.
- b) Rags and/or wipes are prohibited from being discharged to the sanitary sewer. These wastes must be laundered by an approved off-site facility or disposed of according to 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act.

- c) Hazardous materials including waste oil, solvents, glues, adhesives, and inks containing metals are strictly forbidden from discharge to the sanitary sewer.
- d) Silver-bearing waste must either be treated or hauled away for treatment according to 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act. On-site treatment requires a special discharge permit from the District. Treatment must meet removal efficiency standards set by the District Engineer.

#### **5. Photo processors.**

- a) Silver-bearing waste must either be treated or hauled away for treatment according to 40 CFR 261 subtitles C and D of the Resource Conservation and Recovery Act. On-site treatment requires a wastewater discharge permit from the District. On-site treatment requires a special discharge permit from the District. Treatment must meet removal efficiency standards set by the District Engineer.

#### **6. Machine Shops.**

- a) Hazardous materials including waste oil, waste coolant, solvents, chlorinated organics, wastewater containing metals other than aluminum, sediment containing metals at concentrations that render the sediment a hazardous material, glues, and adhesives are strictly forbidden from discharge to the sanitary sewer.
- b) Floor drains are not permitted in machine shops. (Ord. 116 §3, 2007; Ord. 111 §5, 2006; Ord. 103 §8, 2003; Ord. 72 §1 (part), 1991; Ord. 64 §3 (part), 1989; Ord. 37 §3 (part), 1983; Ord. 3 §6.11, 1973)

### **7.04.515 Groundwater Discharge and Dry Weather Diversions**

#### **A. Groundwater Contamination Treatment Sites.**

Any site that is extracting and treating groundwater must discharge the groundwater to the sanitary sewer, not the storm drain. The discharge must be conducted under a special discharge permit with the District and must meet all discharge limitations specified under Section 7.04.310(N), Prohibited wastes designated, of this code.

#### **B. Dry Weather Diversions.**

1. The discharge must be conducted under a special discharge permit with the District and must meet all discharge limitations specified under Section 7.04.310(N), Prohibited wastes designated, of this code.
2. **Best Management Practices.** If the discharge does not meet the discharge limitations, pretreatment may be required. Where necessary, best available technology will be used to treat the discharge.
3. **Flow Monitoring.** Flow shall be measured at all times during the discharge.

4. **Monitoring.** The permittee shall be responsible for costs of monitoring the discharge for pollutants that may be deleterious to the sanitary sewer.
5. **Fees and Charges.** Permittee shall be required to pay a connection fee based on daily flow. An annual fee will be collected in November each year. Along with the annual fee, costs for monitoring and analysis for the subsequent year will be collected.
6. **Special Conditions.** The dry weather diversion systems shall be constructed and maintained, with approval from the District Engineer, to ensure that the system is non-operational during rain events and that floatables and debris are not entering the sanitary sewer. (Ord. 111 §6, 2006)

#### 7.04.520 Administrative Procedures

- A. **Notification of Violation.** Whenever the District finds that any person has violated, or is violating, this chapter or any prohibition, limitation or requirement contained herein, he may serve upon such person a written notice stating the nature of the violation and providing a reasonable time, not to exceed thirty days, for the satisfactory correction thereof.
- B. **Formal Meeting.** If an industrial user fails to respond to a notification of violation, or fails to take corrective action within thirty days, the District may schedule a formal meeting with an authorized representative of the industrial user. At the meeting, the District will review the violator's actions and may develop a compliance schedule to which the violator must adhere.
- C. **Show Cause Hearing.**
  1. If the violation is not corrected by timely compliance, nuisance abatement proceedings may be initiated according to Chapter 7.08, or the District may contract the necessary work, or the Board of Directors may order any person who causes or allows an unauthorized discharge to show cause before the Board regarding the violation, and directing the offending party to show cause before said authority why an order should not be made directing the termination of service. The notice of the hearing shall be served personally or by registered or certified mail (return receipt requested) at least ten days before hearing. Service may be made on any agent or officer of a corporation. If the necessary work is contracted, such charges for the necessary work shall constitute a lien against the lot or parcel of land for which the preliminary treatment facility was installed, upon recording thereof with the County Recorder. Such lien shall have the force, effect and priority of a judgement lien and shall continue for three years from the time of recording unless sooner released or otherwise discharged. A statement of the District's bills to the property owner shall give notice of the lien provided by this section.
  2. The Board may, itself, conduct the hearing and take the evidence, or may designate any of its members or any officer or employee of the District to:
    - a) Issue, in the name of the Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in any such hearings;

- b) Take the evidence;
  - c) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Board for action thereon; or
  - d) At any public hearing, testimony taken before the Board or any person designated by it, shall be under oath and tape recorded.
3. After the Board has reviewed the evidence, it may issue an order to the party responsible for the discharge directing that, following a specified time period, the sewer service be discontinued unless adequate treatment facilities, devices or other related appurtenances shall have been installed and inspected by the District or existing treatment facilities, devices or other related appurtenances are properly operated, and such further orders and directives as are necessary and appropriate.

**D. Emergency Termination of Discharges.**

1. If any industrial user discharges or threatens to discharge any pollutant to the wastewater treatment system, and if such discharge presents or would present an imminent or substantial endangerment to the health or welfare of persons or to the environment, or causes, or would cause, interference with the operation of the POTW, and if the District determines that immediate action is necessary to terminate or prevent such discharge, the District may issue an order that such discharge be terminated or prevented immediately. Such order shall be personally served upon any person in charge, or apparently in charge, of the premises of the industrial user, and shall be effective as soon as it is so served.
2. If after service of the order, the discharge is not immediately terminated or prevented, then the District may take any steps that may be appropriate or necessary to terminate or prevent the discharge as quickly as possible, including severance or blockage of the industrial user's facilities from the City wastewater treatment system, or any other steps that may be appropriate under the circumstances. The cost and expense so incurred by the District shall be paid by the industrial user upon presentation by the District of an invoice and demand for payment. If not promptly paid, such amounts shall become a lien on the property and shall be collected at the same time and in the same manner as local real property taxes. The Board may take any steps, including the holding of any hearings and the adoption of any resolutions, necessary to perfect such lien.
3. Any action taken, or decisions made by the District under this subsection D, including the determination that costs shall be charged to the user or that there shall be a lien upon property, may be appealed to the Board in accordance with the provisions of the code.
4. Any action by the District to terminate, block or sever the user's facilities from the wastewater treatment system under this subsection shall be reviewed by the Board, or its designate, within forty-eight hours after a request for such review is made by the user, in order to determine whether there was sufficient cause for the action taken. The Board shall hold an informal hearing on the matter and shall give both the Director and the user and any other interested person an opportunity to present evidence and other information. The decision of the Board shall be made as an interim decision, pending a full review of the

matter by the Board, unless the user decides not to seek a Board hearing. (Ord. 72 §1 (part), 1991; Ord. 64 §3 (part), 1989; Ord. 49 §1 (part), 1985; Ord. 37 §3 (part), 1983; Ord. 3 §6.12, 1973)

#### **7.04.530 Judicial Remedies—Civil-Criminal**

- A. **Public Nuisance.** Any discharge in violation of the provisions of this chapter, or an order of the District, is a public nuisance.
- B. **Civil Remedies.** If any person discharges sewage, industrial waste or other waste into the treatment system in violation of the provisions of this chapter or any order of the Board, the District Counsel may commence an action for appropriate legal and/or equitable relief, in any appropriate court. The District Counsel may also commence such an action for any violation of the pretreatment requirements contained in this chapter. The pretreatment requirements include discharge permit requirements. Such relief may include, but need not be limited to, injunctive relief and damages, whenever such relief is available to the District under the circumstances of the case.
- C. **Violation—Misdemeanor.** Any person who intentionally violates or who violates any provision of this chapter or any regulations of the District is guilty of a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars, imprisonment not to exceed thirty days, or both. Civil penalties for violations of Article II of this chapter shall not be less than one thousand dollars per day for each day that an industrial user is in violation of the District's pretreatment program. Fines assessed by any judgment made by the District as a result of noncompliance with District standards and discharge limits shall be paid to the District within fifteen days of the date of the assessment.
- D. **Continuing Violations.** Each day in which a violation occurs or continues to occur shall be a separate and distinct offense. (Ord. 85 §7, 1995; Ord 72 §1 (part), 1991; Ord.64 §3 (part), 1989; Ord. 37 §3 (part), 1983; Ord. 3 §6.13, 1973)

#### **7.04.540 Administrative Fines**

Any industrial user who is found to be in violation of this chapter shall be fined, in accordance with the fine schedule set out in Section 7.04.545, not less than two hundred dollars nor more than one thousand dollars. Each day on which a violation occurs or continues shall be deemed a separate and distinct offense. Notwithstanding any provision set forth in Title 7 of this code, all monies collected by the District of this chapter in the form of fines, penalties, assessments, costs or expenses, and whether collected pursuant to civil, criminal, or administrative procedures prescribed in this chapter or in Title 7 of this code, shall be deposited into the District pollution prevention fund. (Ord. 103 §9, 2003; Ord. 72 §1 (part), 1991; Ord. 71 §1, 1991; Ord. 64 §3 (part), 1989; Ord. 3 §6.14, 1973)

## 7.04.545 Enforcement Response and Fines

Table I - Significant Industrial Users: Sampling, Monitoring, and Reporting

Nature of Noncompliance	Circumstance	Time Frame	Response
A. Failure of permitted discharger to notify of effluent limit violation or slug discharge	Not verbally reported	24 hours after knowledge of violation or discharge	Letter of Violation (LOV): the SIU must correct the problem immediately. The user must resample within 30 days and report on self-monitoring report (provided by District) to demonstrate return to compliance. If a slug discharge occurs, then it is the responsibility of the business to resample to assure a return to compliance. Provide notice to the District within 15 days of measures taken.
	No notification to District	15 days	Administrative order for the following: require immediate response and return to compliance.
	No sample results	30 days	\$500 fine per each day of violation at the Board's discretion.
		60 days	Significant noncompliance: \$500 fine per each day of violation at the Board's discretion. Publication of violation in local newspaper.
	Known environmental or POTW damage	Anytime	Sewer service termination and recovery of estimated costs of remediation at the discretion of the Board of Directors of the District.
B. Minor sampling, monitoring, or reporting deficiencies (nonnegligent, minor omissions of required attachments and data, computational, or other errors)	First offense: submitted report by the deadline	Upon discovery	Phone call from environmental compliance inspector instructing the following: submit report in its entirety with the errors corrected within 30 days after the initial due date of the report.
	Corrected report not received	30 days after phone call	Letter of Violation (LOV) for the following: submit report in its entirety with the errors corrected within 30 days.
	Corrected report not received	60 days after report is due	Administrative order requiring corrections within 15 days of notification.
	Corrected report not received	90 days after report is due	\$200 fine per day until correct report is received at the Board's discretion.

**Table I - Significant Industrial Users: Sampling, Monitoring, and Reporting (Continued)**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
C. Major or gross sampling, monitoring or reporting deficiencies (missing critical information) and any other deficiency deemed major by the District or its Board	First offense: submitted report by the deadline	Upon discovery	Letter of Violation (LOV) requiring the following: submit report in its entirety with the errors corrected within 30 days of the date of issuance of the letter of violation.
	Corrected report not received	30 days after LOV date	\$200 fine per day until correct report is received at the Board's discretion.
	Corrected report not received	60 days after LOV date	\$200 fine per day until correct report is received at the Board's discretion. Publication of the violation in local newspaper.
	Corrected report not received	90 days after LOV date	Sewer service termination and permit revocation at the Board's discretion.
D. Failure of discharger to timely sample, monitor, or submit self-monitoring discharge report	First offense within 1 year	No later than 5 days after required submittal date	Letter of Violation (LOV) instructing the following: submit required report within 15 days of the date of this letter.
	Report still not received	15 days after required submittal date	Administrative order: require the report within 10 days.
	Report still not received	45 days after required submittal date	Significant noncompliance: publication in newspaper. Require report within 10 days.
	Report still not received	60 days after required submittal date	Administrative order: require the report within 10 days. \$200 fine per day that the report is not received, at the Board's discretion.
	Report still not received	90 days after required submittal date	Sewer service termination and permit revocation at the Board's discretion.
	Second offense within 1 year	<1 year	Administrative order: require the report within 10 days. Follow the steps starting at 45 days for the first offense above.
	Report still not received	10 days	Follow the steps starting at 45 days for the first offense above.

**Table I - Significant Industrial Users: Sampling, Monitoring, and Reporting (Continued)**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
E. Discharge without a permit of District approval	First offense; no environmental damage	Upon discovery	Administrative order requiring permit application, baseline monitoring report and approval prior to further discharge.
	2 <sup>nd</sup> and subsequent offenses without permit application; no environmental damage	30 days	Significant noncompliance: administrative order requiring permit application and approval prior to further discharge, \$500 fine per day of violation and publication in newspaper at Board's discretion.
	1 <sup>st</sup> offense; environmental damage	Upon discovery	Significant noncompliance: administrative order requiring permit application and approval prior to future discharges, \$500 fine + recovery of cost for remediation at the Board's discretion, publication in newspaper.
	Subsequent discharges; environmental damage	30 days	Significant noncompliance: administrative order requiring permit application and approval prior to future discharges, \$1,000 fine + recovery of cost for remediation and sewer service termination at the Board's discretion, publication in newspaper.

**Table II - Effluent Limit Violations**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
A. Failure to meet final effluent limits or failure to meet interim limits (categorical, local, or prohibited limits)	First exceedance or less than TRC exceedance	Immediately upon notification of exceedance	Letter of violation (LOV) instructing the following: correct the problem causing the exceedance and resample and report sample results on self-monitoring report within 30 days. If done on District's sampling period, District will resample within 30 days.
	Second exceedance	Immediately upon notification of exceedance	Compliance schedule to be determined by the District Engineer.
	Major violation that exceeds the limits by technical review criteria (TRC-see definitions) of a single effluent limit	Immediately upon notification of exceedance	Significant noncompliance: administrative order to correct the problem(s) causing the exceedance and resample and report sample results on self-monitoring report within 30 days. Publication in a local newspaper. If there is environmental damage, \$1,000 fine per day of exceedance. The District can recoup the costs for environmental remediation, at the Board's discretion.
	Chronic violations: 66% or more of all the measurements taken for the same pollutant parameter exceed the same daily maximum limit or the same average limit in a six-month period (any magnitude of concentration over the most stringent limit), a numeric pretreatment standard or requirement, including instantaneous limits		Significant noncompliance: administrative order to correct the problem(s) causing the exceedance and resample and report sample results on self-monitoring report within 30 days. Publication in a local newspaper. If there is environmental damage, \$1,000 fine per day of exceedance. The District can recoup the costs for environmental remediation and terminate sewer service at the Board's discretion.

**Table II - Effluent Limit Violations (Continued)**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
A. Failure to meet final effluent limits or failure to meet interim limits (categorical, local, or prohibited limits) ( <i>cont.</i> )	Additional self-monitoring report still not received	30 days after required submittal	Administrative order: require the report within 15 days.
	Additional self-monitoring report still not received	45 days after required submittal	Significant noncompliance: publication in newspaper. Require report within 10 days.
	Additional self-monitoring report still not received	55 days after required submittal	Administrative order: require the report within 10 days. \$500 fine per day that the report is not received, at the Board's discretion.
	Additional self-monitoring report still not received	65 days after required submittal	Sewer service termination and permit revocation at the Board's discretion.
B. Reported slug discharge	First offense, reported immediately, no environmental damage	Immediate report upon knowledge of slug discharge	Letter of Violation (LOV): correct problem causing slug discharge, sample discharge and report sample results on self-monitoring report within 30 days of slug.
	Second offense within 1 year, no environmental damage	<1 year	Administrative order: cease slug discharges immediately and prevent future slug discharges. Sample discharge and report sample results on self-monitoring report within 30 days of slug.
	Third and subsequent offenses, no environmental damage	<1 year	Significant noncompliance: sewer service termination at the Board's discretion, \$1,000 fine per day of violation, and publication of violation in a newspaper.
	First offense: interference, pass-through, or damage	Immediate report upon knowledge of slug discharge	Significant noncompliance: Administrative order specifying the following: correct problem causing slug discharge, sample discharge and report sample results on self-monitoring report within 30 days of slug. Publication in local newspaper. Board may recoup costs for any environmental remediation, damage to infrastructure, or any fines levied as a result of the slug.
	Second offense within 1 year: interference, pass-through, or damage	<1 year	Significant noncompliance: \$1,000 fine per day of slug discharge. Publication in newspaper. Sewer service termination at Board's discretion.

**Table II - Effluent Limit Violations (Continued)**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
B. Reported slug discharge ( <i>cont.</i> )	Subsequent offenses with interference, pass-through, or damage	<1 year	Significant noncompliance: sewer service termination at Board's discretion, \$1,000 fine per day of violation, and publication of violation in a newspaper.

**Table III - Significant Industrial Users and Special Discharge Permits: Noncompliance Detected Through Inspection or Field Investigation**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
A. Minor violation of sampling or analytical procedure	No evidence of intent or neglect. First offense within a year.	Upon discovery	Letter of violation (LOV) for the following: correct problem during next sampling event. If sampling of analysis led to faulty results, must resample within 30 days.
	No evidence of resample intent or neglect. Second offense within a year.	<1-year repeat	Administrative order for the following: an analysis using correct procedure within 30 days.
	Resample for either circumstance not done within 30 days or third offense within a year.	30 days, <1 year - 3rd repeat	Significant noncompliance, administrative order for the following: resample within 30 days, \$500 fine per day of violation at the Board's discretion, and publication of violation in a newspaper.
	More than 3 offenses in a year or resample not done within 60 days.	60 days, <1 year - 4th repeat	Sewer service termination and recovery of estimated costs of remediation at the Board's discretion.
B. Minor violation of permit conditions (any violation not listed as major or deemed minor violation by the District or its Board)	No evidence of intent or neglect. First offense within a year.	Upon discovery	Letter of violation (LOV) for the following: correct problem immediately.
	No evidence of intent or neglect. Second offense within 1 year.	<1-year repeat	Administrative order for the following: correct problem immediately.

**Table III - Significant Industrial Users and Special Discharge Permits: Noncompliance Detected Through Inspection or Field Investigation (Continued)**

Nature of Noncompliance	Circumstance	Time Frame	Response
B. Minor violation of permit conditions (any violation not listed as major or deemed minor violation by the District or its Board) ( <i>cont.</i> )	Problem not corrected within 30 days or third offense within a year.	30 days, <1 year - 3rd repeat	Significant noncompliance, administrative order for the following: correct problem within 30 days, \$500 fine per day of violation at the Board's discretion, and publication of violation in a newspaper.
	More than 3 offenses in a year or problem not corrected within 60 days	60 days, <1 year - 4th repeat	Sewer service termination and recovery of estimated costs of remediation at the Board's discretion.
C. Major violation of permit conditions (improper disposal of waste product, tampering with monitoring equipment, dilution effluent, not reporting a slug or accidental discharge, not having a spill prevention plan when a spill has occurred, and any other violation deemed major by the District or its Board)	No evidence of intent or neglect. First offense within 1 year.	Upon discovery	Letter of violation (LOV) for the following: correct problem immediately.
	No evidence of intent or neglect. Problem not corrected within 30 days. Second offense within 1 year.	<1-year repeat, 30 days	Significant noncompliance, administrative order for the following: correct problem immediately, \$1,000 fine per day of violation at the Board's discretion, and publication of violation in a newspaper.
	Problem not corrected within 60 days or third offense within a year.	60 days, <1 year - 3rd repeat	Sewer service termination and recovery of estimated costs of remediation at the Board's discretion.

**Table IV - Significant Industrial Users and Special Discharge Permits: Compliance Schedules**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
A. Reporting false information during compliance schedule	Any instance	Immediately upon discovery	Significant noncompliance: request for criminal investigation. Judicial action, fines and/or sewer service termination. Fine of \$1,000 per offense. Publication in local newspaper.
B. Missed interim date	Will not cause late final date or affect other interim dates	15 days after due date	Letter of violation (LOV): resume compliance schedule and do not miss future dates. Submit report within 10 days.
	Will result in other missed interim dates	15 days after due date	Significant noncompliance, administrative order requiring compliance of all other dates 10 days after previous dates set and submission of written progress report within 10 days. Publication in a newspaper.
	No response	10 days	\$500 fine per day of noncompliance, publication in a newspaper.
		90 days or more outstanding	\$500 fine per day of noncompliance, publication in a newspaper, sewer service termination at the Board's discretion.
C. Missed final date with no valid cause	1st offense	15 days after deadline	Significant noncompliance, administrative order to begin monitoring within 30 days. Publication in a newspaper.
		30 days after deadline	Significant noncompliance, administrative order and/or judicial action. \$500 fine per day of noncompliance.
	2nd offense or no action	60 days after deadline	Significant noncompliance. \$1,000 fine per day of noncompliance.
	3rd offense or no action	90 days after deadline	Sewer service termination at the Board's discretion.

**Table V - Light Industry Noncompliance**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
A. Failure of discharger to timely submit a receipt/manifest or proof of grease trap, interceptor or clarifier cleaning.	Light industry has not cleaned pretreatment device or has not provided proof of cleaning to the District.	30 days past required pump date.	Phone call and/or verbal notification during site visit.
		60 days	Letter of violation (LOV) requiring proof of cleaning within 15 days.
		75 days	Administrative order requiring proof of cleaning within 10 days.
		85 days	Significant noncompliance: requiring proof of cleaning within 10 days. \$500 fine per each day of violation, publication in a newspaper.
		95 days	Sewer service termination, at the Board's discretion.
		Anytime a grease removal device is past the District required pumping date	Recovery of estimated costs from any adverse effects of grease in the District's sewer line attributable to a light industry or any fines levied against the District from sanitary sewer overflows due to grease, at the Board's discretion.
B. Violation of required best environmental management practices (per District code)	No evidence of intent or neglect. First offense within a year.	Upon discovery	Phone call and/or verbal notification during site visit.
	No evidence of intent or neglect. Problem not corrected within 30 days or second offense within a year.	<1 year repeat	Corrective action letter: correct the problem immediately.
	Problem not corrected within 60 days or third offense within 90 days.	30 days, <1 year - 3rd repeat	Administrative order for the following: correct the problem immediately.
	More than 3 offenses in a year or problem not corrected within 90 days.	60 days, <1 year - 4th repeat	Significant noncompliance, administrative order for the following: correct the problem within 30 days, \$500 fine per each day of violation at the Board's discretion, publication in a newspaper.

**Table V - Light Industry Noncompliance (Continued)**

<b>Nature of Noncompliance</b>	<b>Circumstance</b>	<b>Time Frame</b>	<b>Response</b>
B. Violation of required best environmental management practices (per District code) <i>(cont.)</i>	Problem ongoing or chronic	Chronic violation	Sewer service termination and recovery of estimated costs of remediation at the Board's discretion.
C. Faulty pretreatment device, improper best management practices or minor deficiencies discovered during inspections	No evidence of intent or neglect	Upon discovery	Written notification during site visit on inspection form.
	Not corrected	30 days	Corrective action notice: correct the problem immediately.
	Not corrected	60 days	Letter of violation (LOV): correct the problem immediately.
	Not corrected	90 days	Administrative order for the following: correct the problem within 30 days.
	Chronic violation	Chronic, recurring	Significant noncompliance: \$500 fine per each day of violation at the Board's discretion, publication in a newspaper.
D. Sanitary sewer overflow on private property that impacts the public, public property, public right-of-way, or a water body	1 <sup>st</sup> offense reported to District, overflow stopped in a timely manner	Immediately	Letter of violation (LOV) instructing the following: correct the problem causing the overflow immediately or cease discharging. Submit a written report to the District within 15 days stating a corrective action plan, and the means to prevent repeat occurrences.
		15 days, no report received	Letter of violation (LOV) requiring written report within 15 days.
		30 days, no report received	Administrative order requiring written report within 10 days.
		60 days, no report	Significant noncompliance: require written report within 10 days. \$500 fine per each day of violation at the Board's discretion. Publication of violation in a local newspaper.

**Table V - Light Industry Noncompliance (Continued)**

Nature of Noncompliance	Circumstance	Time Frame	Response
D. Sanitary sewer overflow on private property that impacts the public, public property, public right-of-way, or a water body ( <i>cont.</i> )		90 days, no report	Sewer service termination, at the Board's discretion.
	1st offense reported to District, overflow not stopped in a timely manner	Immediately	Letter of violation (LOV) instructing the following: correct the problem causing the overflow immediately or cease discharging. Submit a written report to the District within 15 days stating a corrective action plan, and the means to prevent repeat occurrences and state a means to respond to overflows in a timely manner.
		No report received	Follow enforcement path above, starting at 15 days, no report received.
	2nd offense in either case (stopped in timely manner or not)	<1 year	Significant noncompliance: require written report within 15 days. \$500 fine per each day of violation at the Board's discretion. Publication of violation in a local newspaper.
	3rd offense in either case (stopped in a timely manner or not)	<1 year	\$1,000 fine per day of overflow. Sewer service termination at the Board's discretion.
	Environmental damage, District resources used, fines levied	Anytime	District will reserve the right to recoup costs of using District resources, to remediate any environmental damage, or any fines levied against the District as a result of the overflow.

(Ord. 116 §4, 2007; Ord. 111 §7, 2006)

## **ARTICLE VI. REPAYMENT FEES—SEWER NOT CONSTRUCTED BY DISTRICT**

### **7.04.550 Definitions**

Unless the context otherwise indicates, the following words and phrases shall, for the purposes of this article, have the meanings respectively ascribed to them by this section:

"Repayment fee" means the amount collected by the District for each connection made to the line installed, which fee shall be 1.25 times the repayment rate and be for the purpose of reimbursing the installer of such sewer line as provided in this article.

"Repayment rate" means the total cost of constructing the sewer line divided by the total number of connections to the sewer line as computed by the District Engineer.

"Reimbursable portion" means the total cost of connections of the sewer line, as computed by District Engineer, less the number of connections to be made by the installer as computed by the District Engineer. (Ord. 72 §1 (part), 1991: Ord. 3 §7.1, 1973)

### **7.04.560 Reimbursement Conditions**

A private party or parties who construct any sewer line five hundred feet or more in length which will be of use to and benefit properties of others shall be entitled to reimbursement of a portion of the actual costs of the construction when the following requirements have been met:

- A. Prior to construction of the sewer line, the Board agrees to repayment for the reimbursable portion of the work;
- B. The construction of the line is completed in accordance with plans and specifications approved by the District Engineer and is inspected and accepted by the District Engineer;
- C. The party claiming reimbursement provides satisfactory evidence to show the actual cost of construction, including engineering costs. (Ord. 72 §1 (part), 1991: Ord. 54 §1, 1986: Ord. 3 §7.2, 1973)

### **7.04.570 Agreement with District**

After all requirements have been met, the District Engineer shall determine the total number of connections which can reasonably be made to the line, including those to be made by the installer, and the repayment rate shall be computed by dividing the total actual cost of construction, including engineering costs, by the total number of connections. Upon determination of the number of connections, the repayment rate and the reimbursable portion as provided for hereunder, the installer shall enter into an agreement with the District upon the terms, conditions and provisions set forth in Sections 7.04.580, 7.04.590 and 7.04.600. (Ord. 72 §1 (part), 1991: Ord. 3 §7.3, 1973)

### **7.04.580 Repayment Fee Payment**

Prior to acceptance by the District Engineer of a line installed pursuant to this article, the District Engineer may authorize connections to the line so long as he is satisfied that the number of such connections to the line will not exceed the total number of connections which can be reasonably made to the line. Such connections may be made upon the payment of the amount set by the District Engineer as the estimated repayment fee for connection to the line. The actual repayment fee for any connection

made to such a line shall be in an amount equal to 1.25 times the repayment rate, and the amount shall be determined after acceptance by the District Engineer of the line installed pursuant to this article. Upon the completion of the project, a party paying an estimated repayment fee shall not be responsible for any additional amount of underpayment if the final repayment fee is determined to be in excess of the estimated repayment fee; nor shall any party receive a refund of an overpayment if the final repayment fee is determined to be less than the estimated repayment fee. Twenty percent of the amount of the final repayment fee shall be deposited in the revenue fund of the Sanitation District and the remainder shall be deposited in the trust fund account. The repayment fee shall be in addition to regular standard connection fees applicable. (Ord. 72 §1 (part), 1991; Ord. 35 §1 (part), 1982; Ord. 3 §7.4, 1973)

#### **7.04.590 Payment Schedule**

The installer of the line shall be paid annually on October 1<sup>st</sup> of each year (or as soon thereafter as may be practical) all funds contained in the trust fund account established for the line. (Ord. 72 §1 (part), 1991; Ord. 35 §1 (part), 1982; Ord. 3 §7.5, 1973)

#### **7.04.600 Termination of Repayment Agreement**

When the total amount paid to any installer of a line subject to repayment pursuant to this article equals the repayment rate multiplied by the number of possible future connections as established by the District at the time of agreement execution, or when ten years have elapsed subsequent to the date of the acceptance of the line, whichever shall first occur, all payments to such installer shall cease, further collection of repayment fees shall cease; and the repayment agreement will be terminated. (Ord. 72 §1 (part), 1991; Ord. 35 §1 (part), 1982; Ord. 3 §7.6, 1973)

#### **7.04.610 Appeal**

- A. In the event that any person is dissatisfied with the determination of the total number of connections which can be made to the line, that person may appeal therefrom within fifteen days after receipt of such determination by filing written notice of appeal, stating the grounds thereof, with the Board.
- B. At the next regular meeting of the Board, the Board shall hear such appeal and make its determination, which shall be final for the purposes of the application of this article. (Ord. 72 §1 (part), 1991; Ord. 3 §7.7, 1973)

#### **7.04.620 Liability Restrictions**

The District shall incur no liability whatsoever either as to funds collected pursuant to this article or for funds which may become overdue hereunder, or for their collection. (Ord. 72 §1 (part), 1991; Ord. 3 §7.8, 1973)

#### **7.04.630 Rights Restriction**

No right, title or interest is created. This article may be modified or repealed at any time without affecting any property right. No property right shall become vested by operation of this article. No liability of any kind shall be incurred by the District by reasons of any amendment to, or repeal of, this article. (Ord. 72 §1 (part), 1991; Ord. 3 §7.9, 1973)

## **ARTICLE VII. REPAYMENT FEES—SEWER CONSTRUCTED BY DISTRICT**

### **7.04.640 Extended or Enlarged Sewers**

The District may extend or enlarge the capacity of certain portions of sewer facilities necessitated by road or freeway construction or reconstruction, or other reasons, which extension or enlarged capacity will serve future users. (Ord. 72 §1 (part), 1991; Ord. 54 §2 (part), 1986; Ord. 3 §8.1, 1973)

### **7.04.650 Repayment Plan**

The District Engineer shall prepare, for District Board approval, a repayment plan to recover the cost of the extension or enlarged capacity, which shall determine the fee to be collected from future users of the extension or enlarged capacity. The fee may be computed on either per-connection or gallonage basis, whichever is determined to be most equitable by the District. (Ord. 72 §1 (part), 1991; Ord. 54 §2 (part), 1986; Ord. 3 §8.2, 1973)

### **7.04.660 Repayment Fees**

Any person, firm or corporation which connects to or uses the extension or enlarged capacity of the sewer main shall pay, in addition to the regular connection fee charged by the District, the fee as approved by the District Board. The fee shall be either paid at the time of filing the final map, or at the time necessary building permits are obtained or prior to the time the connection is made if no building permits are required, as determined in the case of each repayment plan. (Ord. 72 §1 (part), 1991; Ord. 54 §2 (part), 1986; Ord. 3 §8.3, 1986)

### **7.04.670 Dolphin Drive Pump Station Repayment Plan**

- A. In addition to all other charges of the District, any person, firm or corporation with property within the Dolphin Drive pump station basin which connects to, or uses, the District facilities shall pay a repayment fee to the District for the costs of replacing the Dolphin Drive pump station.
- B. The amount of the repayment fee for new connections (existing connections not affected) shall be:
  1. For a residential dwelling unit, the repayment fee shall be seven hundred fifty dollars;
  2. For a commercial or industrial facility, the repayment fee shall be seven hundred fifty dollars per equivalent dwelling unit (EDU) of estimated water usage of the facility, with two hundred fifty gallons per day (GPD) of water usage (one thousand GPD of peak wet weather flow) equal to an EDU.
- C. **Exemptions.** The connection of a single dwelling unit on a parcel of record existing on January 1, 1986, shall be exempt from the repayment fee.
- D. The funds collected from the repayment fees shall be deposited in a Dolphin Drive pump station replacement fund, and the repayment fee shall be discontinued at such time as sufficient funds are collected to repay the principal and interest costs of the pump station replacement. (Ord. 72 §1 (part), 1991; Ord. 54 §2 (part), 1986; Ord. 3 §8.4, 1986)

**7.04.671 Soquel Drive/Freedom Boulevard Repayment Plan**

- A. In addition to all other charges of the District, and which shall be collected, prior to the connection to the sanitary sewer system of the District, a special connection charge for any lot or parcel of property that abuts on or can be served by a sewer main or facility of the District constructed pursuant to special assessment proceedings of the Freedom Boulevard Sewer Assessment District.
- B. The amount of the repayment fee for new connections shall be:
  - 1. For a residential dwelling unit, the repayment fee shall be \$2,484.47 per independent dwelling unit for new connection proposals.
  - 2. For each school or commercial type of facility, the repayment fee shall be \$2,484.47 per equivalent dwelling unit (EDU) of estimated water usage of the facility, with two hundred fifty gallons per day (gpd) of water usage equal to an EDU, as determined by the District Engineer.
  - 3. **Exemption.** The new connection of a structure to the sewer system which does not utilize the improvements constructed by the Freedom Boulevard Sewer Assessment District shall be exempt from the repayment fee.
  - 4. The funds collected from the repayment fees shall be deposited into the debt service fund, and the repayment fee shall be discontinued at such time that the District has recovered the financial contribution made toward improvements constructed by the Freedom Boulevard Sewer Assessment District in the amount of \$345,341.43. (Ord. 84 §1, 1995)

**ARTICLE VIII. ANNEXATIONS AND DETACHMENTS****7.04.680 Conditions**

The owners of property petitioning for annexation shall, as a condition precedent thereto, unless deferred under Section 7.04.700, pay to the District the following sums:

- A. **Annexation Fee.** An amount instituted to equalize the financial standing of properties being annexed to those already within the District which have annually been paying fees for the basic system;
- B. **Processing Fees.** An amount established by the State, which the State Board of Equalization must charge for processing filings, and an amount established and charged by the Local Agency Formation Commission for processing the annexation. (Ord. 72 §1 (part), 1991; Ord. 41 §1 (part), 1984; Ord. 3 §9.1, 1973)

**7.04.690 Annexation Fees**

The following amounts shall be paid to the District at the time an application for annexation is filed:

- A. Single parcels or multiple parcels of less than four acres.
  - 1. **Annexation Fee:** seven hundred twenty dollars per acre of area to be annexed;

2. **Processing Fees:** as established by State legislation and the Local Agency Formation Commission.

B. Multiple parcel of four acres or more. A combined annexation/processing fee based on the total acreage of the area to be annexed as follows:

<u>Total Acreage</u>	<u>Fee per Acre</u>
4 - 10	\$820
11 - 20	\$800
21 - 50	\$790
51 - 100	\$780
over 100	\$770

(Ord. 72 §1 (part), 1991; Ord. 50 §1 (part), 1985; Ord. 41 §1 (part), 1984; Ord. 3 §9.2, 1973)

#### **7.04.700 Multiple Parcel Annexation and Fee Deferrals**

In certain areas, when a single parcel petition for annexation is made, the District may determine that a larger multiple parcel annexation, including surrounding areas within the adopted sphere of influence, would be more beneficial to the District and the adjacent property owners. Therefore, the District may defer annexation/processing fees until such time as sewer connection permits are issued for those properties included in a multiple parcel annexation, but not connected to sewer. In such cases involving four acres or more, the District will pay all applicable Local Agency Formation Commission and State Board of Equalization fees based on the provisions of Section 7.04.710. (Ord. 72 §1 (part), 1991; Ord. 50 §1 (part), 1985; Ord. 41 §1 (part), 1984; Ord. 3 §9.3, 1973)

#### **7.04.710 Annexation Revenue Distribution**

For both single and multiple parcel annexations, fees shall be distributed as follows:

- A. Processing fees to be paid to the State Board of Equalization and the Local Agency Formation Commission based on total acreage of annexation, as per applicable fee schedules;
- B. Eighty percent of the remaining fee to be deposited in the appropriate debt service fund of the District; and
- C. Twenty percent of the remaining fee to be deposited in the operating fund. (Ord. 72 §1 (part), 1991; Ord. 50 §1 (part), 1985; Ord. 41 §1 (part), 1984; Ord. 9 §1, 1974; Ord. 3 §9.4, 1973)

#### **7.04.720 Annexation Fee Adjustment**

- A. The Board reserves the right to provide for additional terms and conditions at or before any meeting or public hearing on any annexation. (Ord. 72 §1 (part), 1991; Ord. 41 §1 (part), 1984; Ord. 15 §11, 1975; Ord. 9 §2, 1974; Ord. 3 §9.5, 1973)

#### **7.04.730 Application of Fees to Pending Annexations**

The annexation and processing fees shall be applicable to any annexation proposal which has not been approved by the Board of Directors of the District prior to the effective date of this section. No such annexation shall be completed until the owners of property petitioning for annexation have paid the

appropriate annexation and processing fees. (Ord. 72 §1 (part), 1991; Ord. 41 §1 (part), 1984; Ord. 3 §9.6, 1973)

**7.04.740 Detachment Processing Fees**

The owners of property petitioning for detachment shall, as a condition precedent thereto, pay to the District a processing fee, established by State legislation, which the State Board of Equalization must charge for processing filings. Processing fees established and charged by the Local Agency Formation Commission (LAFCO) to owners of property petitioning for detachment from the District must be paid directly to LAFCO by the property owner(s). (Ord. 72 §1 (part), 1991; Ord. 41 §1 (part), 1984; Ord. 3 §9.7, 1973)

**ARTICLE IX. ADJUSTMENT—PENALTY**

**7.04.750 Relief—Application**

When any person by reason of special circumstances is of the opinion that any provision of this chapter is unjust or inequitable as applied to his premises, he may make written application to the Board stating the special circumstances, citing the provision complained of, and requesting suspension or modification of that provision as applied to his premises. If such application is approved, the Board may, by resolution, suspend or modify the provision complained of as applied to such premises, to be effective as of the date of the application and continuing for such period as it finds necessary. (Ord. 72 §1 (part), 1991; Ord. 3 §1.5, 1973)

**7.04.760 Relief—Motion**

The Board may, on its motion, find that by reason of special circumstances any provision of this chapter should be suspended or modified as applied to a particular premises and may, by resolution, order such suspension or modifications for such premises during the period of such special circumstances, or any part thereof. (Ord. 72 §1 (part), 1991; Ord. 3 §1.6, 1973)

**7.04.770 Adjustments—Exceptions**

The District Board retains the right to grant adjustments and exceptions to the provisions of this chapter in order to vary or modify the strict application thereof in cases in which there are practical difficulties or unnecessary hardships in the way of such strict application. Application for any adjustment or exceptions shall be made to the District Board in the form of a written application. (Ord. 72 §1 (part), 1991; Ord. 3 §1.7, 1973)

**7.04.780 Violation—Penalty**

Except as this chapter may otherwise permit, following the effective date of the ordinance codified in this chapter, it is unlawful for any person to connect to the Sanitation District sewerage facilities except in the manner provided by this chapter. Any person violating the provisions of this chapter shall, upon conviction thereof, be punished by a fine not to exceed one thousand dollars, or by imprisonment not to exceed thirty days, or by both such fine and imprisonment. (Ord. 72 §1 (part), 1991; Ord. 66 §3, 1989; Ord. 3 §1.14, 1989)

**ARTICLE X. PLAN CHECKING, DISCRETIONARY REVIEW AND ADMINISTRATIVE PROCESSING FEES****7.04.790 Fees and Charges**

The property owner or applicant of proposed new construction or remodel of existing residential or commercial structure(s), development review or change of use shall be charged at the following rate for project plan checking, discretionary review, administrative processing fees, and in some cases, inspections:

**Discretionary Permit Application and Administrative Review Type**

<b>Residential</b>	
Residential Remodel	\$200.00
New or Replacement Dwelling Unit or Misc.	\$250.00
Minor Development Proposal	
<b>Commercial/Nonresidential/Mixed-use</b>	
Minor Commercial Remodel/Change of Use/Nonresidential Use	\$250.00
Minor New or Replacement Mixed- use or Minor Commercial/Light Industrial/Food Service/Photo or X-Ray Development	
Major New or Replacement Mixed- use or Major Commercial/Light Industrial/Food Service/Photo or X-Ray Development	\$750.00
<b>Design Review Group</b>	\$500.00
Sewer Extension at Cost Plan Check and Inspection	Minimum \$1,000.00 deposit or 10% of construction cost estimate
City of Capitola Land Division Improvements at Cost	Minimum \$1,000. 00
County Land Division Improvements at Cost Plan Check and Inspection	Minimum \$1,000.00 deposit

(Ord. 108 §1, 2005)

## Chapter 7.08

### INDIVIDUAL SEWAGE DISPOSAL SYSTEM

#### Sections:

7.08.010	Title—Adoption
7.08.020	Purpose
7.08.030	Applicable Regulations Generally
7.08.040	Fees
7.08.050	Nuisance Abatement—Abatement Order
7.08.060	Nuisance Abatement—Appeal
7.08.070	Nuisance Abatement—Procedure
7.08.080	Nuisance Abatement—Cost Assessment
7.08.090	Nuisance Abatement—Notice
7.08.100	Court Actions

#### **7.08.010 Title—Adoption**

- A. **Title.** This chapter may be cited as the "Santa Cruz County Sanitation District Nuisance Abatement Procedures Ordinance."
- B. **Rules and Regulations.** The following rules and regulations regarding the use of, and abatement procedures for, both interim individual sewage disposal systems and also systems which are connected to public sewer in the District are adopted, and all work in respect thereto shall be performed as required in this chapter and not otherwise, except as general County ordinance, rule or regulation applies. (Ord. 72 §1 (part), 1991; Ord. 45 §§1.1, 1.2, 1984; Ord. 39 §1.2, 1983)

#### **7.08.020 Purpose**

This chapter is intended to provide rules and regulations for the use of, and abatement procedures for, both interim individual sewage disposal systems and those systems connected to the public sewer in the Santa Cruz County Sanitation District. Notwithstanding the provisions of the California Plumbing Code as applicable to this County, this ordinance is also intended to supplement general County ordinances, rules and regulations applicable thereto. (Ord. 139 (part), 2019; Ord. 72 §1 (part), 1991; Ord. 45 §1.3, 1984; Ord. 39 §1.3, 1983)

#### **7.08.030 Applicable Regulations Generally**

Such systems shall comply with Chapter 11 of the Santa Cruz County Code, as well as Chapter 7.04 of the District code governing use of sewers and such regulations which may be adopted by the Board of this District. (Ord. 139 §1 (part), 2019; Ord. 72 §1 (part), 1991; Ord. 45 §2.1, 1984; Ord. 39 §2.1, 1983)

#### **7.08.040 Fees**

In addition to any costs involved in the abatement, as covered elsewhere in this chapter, the property owner under these proceedings shall pay to the District sewer connection fees due and in effect at the time. (Ord. 72 §1 (part), 1991; Ord. 45 §2.2, 1984; Ord. 39 §2.2, 1983)

**7.08.050 Nuisance Abatement—Abatement Order**

- A. Whenever the District Engineer with responsibility to enforce any of the provisions of this chapter determines that a public nuisance exists as a result of violation of any of the provisions of this chapter, he may issue a written order requiring that the conditions constituting the nuisance be abated within a period of ten days thereafter. He shall forthwith serve the order on the person maintaining such nuisance, or the person occupying any premises on which a nuisance is found to exist. If no person is occupying the premises, the order shall be posted upon the premises in a conspicuous place and a copy shall be mailed to the owners of the premises as their names and addresses appear upon the last equalized assessment roll.
- B. An order for abatement shall continue in full force and effect until modified or rescinded by the District Engineer issuing the same or until modified, vacated or superseded by order of the Board of Directors, after hearing, as provided in this chapter. The time specified in the order may, for good cause, be extended by written order of the issuing District Engineer. The order shall advise the person served of his right to appeal to the Board of Directors and that the order will be stayed pending such appeal. (Ord. 72 §1 (part), 1991; Ord. 45 §3.1, 1984; Ord. 39 §2.2, 1983)

**7.08.060 Nuisance Abatement—Appeal**

Any person ordered to abate a nuisance pursuant to this chapter may, within ten days after receipt of the written order, file an appeal to the Board of Directors with the Secretary of the Board or the District Engineer issuing the order, who shall in turn convey it to the Secretary of the Board. The appeal shall be in writing and accompanied by the filing fee established by resolution of the Board and shall specify the grounds upon which the appeal is taken. Upon receipt of the appeal, the Secretary of the Board shall set the matter for hearing not less than five, nor more than sixty, days after the date the appeal was received by the Secretary. The filing of such an appeal shall stay the effect of the order for abatement until the Board of Directors hears the appeal and issues its order modifying, vacating or affirming the order for abatement. Written notice of the time and place of hearing shall be given to the appellant at least seventy-two hours prior to the date set for the hearing. (Ord. 72 §1 (part), 1991; Ord. 45 §3.2, 1984; Ord. 39 §3.2, 1983)

**7.08.070 Nuisance Abatement—Procedure**

In the event that a public nuisance is not abated in accordance with the District Engineer's order of abatement or the order of the Board of Directors, if any, the District Engineer may, upon securing the approval of the Board of Directors, proceed to abate the nuisance by force account, contract or any other method deemed most expedient by the Board. (Ord. 72 §1 (part), 1991; Ord. 45 §3.3, 1984; Ord. 39 §3.3, 1983)

**7.08.080 Nuisance Abatement—Cost Assessment**

- A. The District Engineer shall prepare and file with the Secretary of the Board of Directors a report specifying the work done, the itemized and total cost of the work, including the abatement penalty fee, a description of the real property upon which the public nuisance is or was located, and the names and addresses of the record owner, the holder of any mortgage or deed of trust of record, and any other person known to have a legal interest in the property.

- B. The Board of Directors shall hold a hearing on the report and any protest or objections thereto and notice of the hearing shall be given to the persons with a legal interest in the property at least ten days prior to the date set for the hearing. The Board of Directors shall determine at the conclusion of the hearing the proper charge assessed for the work, including penalties. If such costs are not paid by the owner of the property within thirty days of the determination by the Board of Directors, a lien shall be placed upon the property for such costs and fees, and they shall be assessed upon the property involved as a special assessment. The assessment shall then be collected at the same time and in the same manner as County taxes are collected and shall be subject to the same penalties and the same procedure and sale in case of delinquency as is provided for ordinary County taxes. All laws applicable to the levy, collection and enforcement of County taxes shall be applicable to such special assessment.
- C. In addition to the total cost of the work done pursuant to this chapter, there shall be added, as part of the charge assessed for the work, a surcharge of ten percent to compensate for administrative costs incurred. Pursuant to Sections 5.04.440 and 5.04.450, additional penalties and interest charges shall also be assessed against properties for which delinquent charges constitute a lien against the parcel. (Ord. 72 §1 (part), 1991; Ord. 45 §3.4, 1984; Ord 39 §3.4, 1983)

#### **7.08.090 Nuisance Abatement—Notice**

Each notice or order to be given or made under this chapter shall be served upon the person occupying the premises upon which the public nuisance exists, or if no person occupies the premises, the notice or order shall be posted upon the premises in a conspicuous place, and in addition, a copy of the notice or order shall be served on the property owner of the premises. Service of each notice or order shall be made upon all persons entitled thereto either personally or by mailing a copy of notice or order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last equalized assessment roll of the County or as known to the District Engineer. If no address of any such person so appears or is known to the District Engineer, then a copy of the notice or order shall be so mailed, addressed to such person at the address of the premises. The failure of any such person to receive such notice or order shall not affect the validity of any proceeding taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of the mailing. (Ord. 72 §1 (part), 1991; Ord. 45 §3.5, 1984; Ord. 39 §3.5, 1983)

#### **7.08.100 Court Actions**

Any court action or proceeding to attack, review, set aside, void, or annul any decision made by the Board of Directors under this chapter, or concerning any of the proceedings, acts or determinations taken, done or made prior to such decision, shall not be maintained by any person unless such action or proceeding is commenced within thirty days after the date of the Board's decision. Thereafter, all persons are barred from maintaining any such action or proceeding or asserting any defense of invalidity or unreasonableness of the Board's decision, proceedings, acts, and determination. (Ord. 72 §1 (part), 1991; Ord. 45 §3.6, 1984; Ord. 39 §3.6, 1983).

**STATUTORY REFERENCES  
FOR  
CALIFORNIA CITIES**

(County references follow)

These references direct the code user to those portions of the State statutes relevant to California cities. This reference list is current through April 2009 and will be periodically updated by Quality Code Publishing as statutes are revised.

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Revenue and Finance

Business Licenses, Taxes and Regulations

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City Assessor

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City Attorney

Gov. Code §41801 et seq.\*\*

City Clerk

Gov. Code §40801 et seq.\*\*

City Manager

Gov. Code §§34851-34859\*\*

Fire Department

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Local Emergencies

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Improvement Act of 1911

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Landscaping and Lighting Act of 1972

Str. and Hwys. Code §22500 et seq.

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# STATUTORY REFERENCES FOR CALIFORNIA COUNTIES

The statutory references listed below refer the code user to State statutes relevant to California Counties. They are up to date through July 2018.

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Gov. Code 53069.4

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County Auditor

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County Clerk

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Coroners

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County Counsel

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County Director of Finance

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District Attorney

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Public Administrator

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County Public Defender

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Public Guardian

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County Recorder

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Sheriff

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County Surveyor

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County Health Officer

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Tax Collector

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County Civil Service Enabling Law

Gov. Code §31100 et seq.

County Employees Retirement Law of 1937

Gov. Code §§31450 et seq. and 53060.1

## **Revenue and Finance**

County Funds

Gov. Code §29300 et seq.

Financial Powers

Gov. Code §25250 et seq.

Limitation on Indebtedness

Gov. Code §25256

Purchasing System

Gov. Code §§25480 et seq. and 54201 et seq.

Sales and Use Tax (Bradley-Bums Uniform Local sales and Use Tax Law)

Rev. and Tax. Code §7200 et seq.

Transient Occupancy Tax

Rev. and Tax. Code §§7280-7283.51

The Documentary Transfer Tax Act

Rev. and Tax. Code §11901 et seq.

Graffiti Prevention Tax

Rev. and Tax. Code §§7287-7287.10

Real Funds

Str. & Hwys. Code 2150 et seq.

Unclaimed Property

Civil Code §2080 et seq.

Claims Against Public Entities

Gov. Code §900 et seq.

Local Agency Service Fees and Charges

Gov. Code §66012 et seq.

Development Fees

Gov. Code §66000 et seq.

Public Works and Public Purchases

Gov. Code §4000 et seq.

Local Agency Public Construction Act

Pub. Contracts Code §20100 et seq.

Uniform Public Construction Cost Accounting Commission

Pub. Contracts Code §22010 et seq.

Bergeson-Peace Infrastructure and Economic Development Bank Act

Gov. Code §63000 et seq.

County Service Areas (County Service Area Law)

Gov. Code §25210 et seq.

## **Business Licenses, Taxes and Regulations**

Authority to License Businesses

Bus. and Prof. Code §16100 et seq.

Massage Parlors

Gov. Code §51030 et seq.

Taxicabs and Other Vehicles for Hire

Vehicle Code §§16500 et seq. 21100(b), 21112

Gov. Code §53075.5

Bingo

Penal Code §326.5

The Private Investigator Act

Bus. and Prof. Code §7512 et seq.

Commercial Filming

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Community Antenna Television Systems

Gov. Code §53066 et seq.

## **Animals**

Animals Generally

Food and Agric. Code §16301 et seq.

Dogs

Gov. Code §25803

Food and Agric. Code § 30501 et seq.

Dangerous and Vicious Dogs

Food and Agric. Code §31601 et seq.

Rabies Control

Health and Saf. Code §121575 et seq.

Cruelty to Animals

Penal Code §597 et seq.

Health and Safety

County Health Administration

Health and Saf. Code §101025 et seq.

Garbage and Refuse Collection and Disposal

Public Resources Code §49000 et seq.

Gov. Code §25820 et seq.

Fire Prevention

Health and Saf. Code §13000 et seq.

Weed Control

Health and Saf. Code §14875 et seq.

Nuisance Abatement

Gov. Code §25845 et seq.

Penal Code §370 et seq.

Graffiti Abatement

Gov. Code §§38772 and 53069.3

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Penal Code §374

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Health and Saf. Code §12500 et seq., 12640 et seq.

## **Public Peace, Morals and Welfare**

Crimes Against Public Justice

Penal Code §92 et seq.

Crimes Against the Person

Penal Code §187 et seq.

Crimes Against the Person Involving Sexual Assault and Against Public Decency and Good Morals

Penal Code §261 et seq.

Crimes Against Public Health and Safety

Penal Code §369a et seq.

Crimes Against the Public Peace

Penal Code §403 et seq.

Crimes Against Property

Penal Code §450 et seq.

Weapons

Penal Code §12001 et seq., 17500 et seq. and 19910 et seq.

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Penal Code §853.6a

## **Vehicles and Traffic**

Local Traffic Rules and Regulations

Vehicle Code §21100 et seq.

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Str. and Hwys. Code §1020 et seq.

Traffic Control Devices

Vehicle Code §21350 et seq.

Turning Movements

Vehicle Code §§22100 et seq.

Speed Limits

Vehicle Code §22348 et seq.

One-Way Street Designations

Vehicle Code §21657

Stopping, Standing and Parking

Vehicle Code §22500 et seq.

Through Highways

Vehicle Code §§21101(b), 21353 and 21354

Curb Markings

Vehicle Code §21458

Vehicle Weight Limits

Vehicle Code §35700 et seq.

Pedestrian Rights and Duties

Vehicle Code §21949 et seq.

Establishments of Crosswalks

Vehicle Code §21106

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Vehicle Code §§21100(h), 21206 and 39000 et seq.

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## **Streets, Sidewalks and Public Places**

Constructions of Sidewalks and Curbs

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Care and Protection of County Highways

Str. and Hwys. Code §1450 et seq.

County Parks

Pub. Res. Code §§5150 et seq. and 5301 et seq.

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Bus. and Prof. Code §§5230, 5231 and 5440 et seq.

Landscaping and Lighting Act of 1972

Str. and Hwys. Code §22500 et seq.

Charitable Solicitations

Bus. and Prof. Code §17510 et seq.

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County Service Areas ("County Services Area Law")

Gov. Code §25210.1 et seq.

## **Public Services**

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Gov. Code §§25690 et seq. and 53064.5

County Sewers

Gov. Code §25825

Health and Saf. Code §5470 et seq.

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Gov. Code §66013

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## **Buildings and Construction**

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Health and Saf. Code §17910 et seq.

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Gov. Code §65850(b);

Bus. and Prof. Code §5229 et seq.

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## **Subdivisions**

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Gov. Code §66410 et seq.

## **Zoning**

Local Planning Generally ("Planning and Zoning Law")

Gov. Code §65000 et seq.

Local Authority to Regulate Land Use

Gov. Code §65850

Local Zoning Administration

Gov. Code §65900 et seq.

Zoning Fees and Charges

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Open-Space Zoning

Gov. Code §65910 et seq.

## **Environmental Protection**

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Health and Saf. Code §46000 et seq.

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1. Board of Directors (2.04)
2. District Seal (1.08)
3. Construction and Use; Fees; Penalties (7.04)
4. Service and Connection Charges(5.04)
5. Sewer Service Charges for the 1973-1974 Tax Roll (Special)
6. Amends §1.8 of Ord. 4, Service and Connection Charges (Not codified)
7. Exemption from Connection Charges (5.04)
8. Establishes Special Connection Charge (5.08)
9. Adds §§9.3 and 9.4 to Ord. 3, Annexations (7.04)
10. Adds §3.9 to Ord. 4, Sewer Service Charges (5.04)
11. Amends Art. 3 of Ord. 4, Sewer Service Charges (5.04)
12. Sewer Service Charges for the 1974-1975 Tax Roll (Special)
13. Sewer Revenue Bonds for 1974 (Not codified)
14. Sewer Service Charges for the 1975-1976 Tax Roll (Special)
15. Adds §§2.19—2.23, 3.8, 5.14, 5.15, and 6.9; amends §§2.11—2.18, 3.1, 3.2, 4.1, 4.9, 5.5, 6.2, 6.4, 6.5, 6.6 and 9.5 of Ord. 3, Regulation and Use of Sewers (7.04)
16. Amends §§1.9 and 2.5 of Ord. 1, Board of Directors (2.04)
17. Sewer Service Charges for the 1975-1976 Tax Roll (Special)
18. Amends §§2 .2, 2.3 and 2.6 of Ord. 4, Sewer Connection Charges (5.04)
19. Bond Issuance (Special)
20. Sewer Service Charges for the 1977-1978 Tax Roll (Special)
21. Amends §3.6 of Ord. 4, Sewer Service Charges (5.04)
22. Adds §5.16; amends §§5.8, 5.9 and 5.10 of Ord. 3, Sewer Use (7.04)
23. Sewer Service Charges for the 1978-1979 Tax Roll (Special)
24. Amends §3.2 of Ord. 4, Sewer Service Charges (Repealed by 70)
25. Sewer Service Charges for the 1979-1980 Tax Roll (Special)
26. Amends §1.1 of Ord. 1, Meetings, Time and Place (2.04)
27. Amends §2.7 of Ord. 4, Connection Charges (5.04)

28. Amends §3.2 of Ord. 4, Sewer Service Charges (Repealed by 70)
29. Sewer Service Charges for the 1980-1981 Tax Roll (Special)
30. Amends §3.2 of Ord. 4, Sewer Service Charges (Repealed by 70)
31. Sewer Service Charges for the 1981-1982 Tax Roll (Special)
32. Amends §§2.2, 2.3 and 2.6 of Ord. 4, Connection Charges (5.04)
33. Sewer Service Charges for the 1982-1983 Tax Roll (Special)
34. Assessment Repayment Charge for Tannery Gulch (Repealed by 110)
35. Amends §§7.4, 7.5 and 7.6 of Ord. 3, Repayment Fees (7.04)
36. Special Assessment Connection Charge for Tannery Gulch (5.08)
37. Adds §§2.24—2.44 and 6.10—6.13; amends §§2.3—2. 23, 5.1—5.7 and 5.10—5.12 of Ord. 3, Sewer Regulations; Use; Permits and Fees (7.04)
38. Sewer Service Charges for the 1982-1983 Tax Roll (Special)
39. Individual Sewer Systems (7.08)
40. Amends §1.3 of Ord. 4, Service and Connection Charges (5.04)
41. Amends Art. 9 of Ord. 3, Annexations (7.04)
42. Repeals and Replaces §1 of Ord. 36, Special Assessment Connection Charge for Tannery Gulch (5.08)
43. Amends §5.1 of Ord. 4, Penalties, Liens (5.04)
44. Amends §§1.1 and 1.4 of Ord. 1, Board of Directors (2.04)
45. Amends Ord. 39, Individual Sewage Systems (7.08)
46. Collection of Sewer Service Charges (Special)
47. Amends §2.2 of Ord. 4, Connection Charges (5.04)
48. Adds §§3.9 and 4.14 to Ord. 3, Sewer Construction (7.04)
49. Amends §§6.12 and 6.13 of Ord. 3, Industrial Wastewater (7.04)
50. Amends §§9.2, 9.3 and 9.4 of Ord. 3, Annexations (7.04)
51. Amends §1.4 of Ord. 1, Board of Directors (2.04)
52. Amends §§2.2, 2.3, 2.6, 3.2, 3.3, 3.4 and 3.7 of Ord. 4, Sewer Service and Connection Charges (5.04)
53. Amends §2.2 of Ord. 4, Connection Charges (5.04)
54. Amends §7.2 and Art. 8 of Ord. 3, Repayment Fees (7.04)
55. Amends §1.9 of Ord. 1, Compensation (2.04)
56. Amends §2.2(b) of Ord. 4, Connection Charges (5.04)

57. Amends §1 of Ord. 34, Assessment Repayment Charge for Tannery Gulch (5.08)
58. Amends §§2.2, 2.3 and 3.2 of Ord. 4, Sewer and Connection Charges (5.04)
59. Amends §2.2(b) of Ord. 4, Connection Charges (5.04)
60. Amends §2.7 of Ord. 4, Connection Charges (5.04)
61. Adds §2.8 to Ord. 4, Connection Charges (Repealed by 80)
62. Amends §9.2 of Ord. 3, Annexations (7.04) (Not yet adopted)
63. Amends §§2.1—2.52 of Art. I and §§6.10—6.13 of Art. VI of Ord. 3; and §§5.1—5.12 of Art. II of Ord. 37, Industrial and Commercial Sewer Users (7.04)
64. Amends §3.3 of Ord. 52, Sewer Service and Connection Charges (5.04)
65. Adds Title I, General Provisions and §§2.04.025, 2.04.028, Assessments and §7.04.104, Sewers (1.04, 1.12, 2.04, 7.04)
66. Adds §2.75 of Art. I of Ord. 4, Sewer Service and Connection Charges (5.04)
67. Code Adoption (1.01)
68. Amends §2.04.050, Board of Director Meetings (2.04)
69. Amends §§5.04.180, 5.04.190, 5.04.200, 5.04.210, 5.04.220; Repeals §5.04.170, Sewer Service Charges (5.04)
70. Adds §7.04.540 and Amends §7.04.545, Administrative Fines (7.04)
71. Amends Title 7, Sewers (7.04, 7.08)
72. Adds §5.04.045, Sewer Service Charge Appeal (5.04)
73. Renumbers (B) of §5.04.080 to be (B)(1) and adds (B)(2), Connection Charges for New Facilities (5.04)
74. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service Charges (5.04)
75. Amends §2.04.050, Board of Directors (2.04)
76. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
77. Overcapacity and Environmentally At-Risk Sewer Mains (7.04)
78. Temporary Moratorium on Sewer Connections in Rodeo Gulch Basin (Repealed by 87)
79. Repeals §5.04.150 (Repealer)
80. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
81. (Not passed)
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83. Adds §7.04.671, Sewer Construction and Use (7.04)
84. Amends §§7.04.030, 7.04.290, 7.04.310(C), (D), (F), (J), (N), (P) and (S), 7.04.340(C), 7.04.350(B), 7.04.500(A)(1), 7.04.530(C) and 7.04.545, Sewer Construction and Use (7.04)
85. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
86. Repeals Ord. 79 (Repealer)
87. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service Charges (5.04)
88. Amends §7.04.280, Nondomestic Sewage Restricted (7.04)
89. Amends §5.04.250, Sewer Service and Connection Charges (5.04)
90. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
91. Amends §2.04.020, Board of Directors (2.04)
92. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
93. Adds §5.04.500, Sewer Service and Connection Charges (5.04)
94. Amends §II of Ord. 46, Collection of Sewer Service Charges (Special)
95. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220 and 5.04.225, Sewer Service and Connection Charges (5.04)
96. Adds Ch. 2.05, Local Hiring for District Projects (2.05)
97. Amends §§5.04.030, 5.04.080(A), (B) and (C), 5.04.090, 5.04.100, 7.04.030, 7.04.120, and 7.04.545, Various Provisions (5.04, 7.04)
98. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, 5.04.225, Sewer Service Charges (5.04)
99. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, 5.04.225, Sewer Service Charges (5.04)
100. Amends §7.04.280(B) (2), Use of Sewers (7.04)
101. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, and 5.04.225, Sewer Service Charges (5.04)
102. Adds §§7.04.310 (U) (V) and 7.04.510 (J); amends §§7.04.030, 7.04.270, 7.04.300, 7.04.305(B), 7.04.310(C) (N), 7.04.340(C), 7.04.500(A) (D), and 7.04.540, Sewer Construction and Use (7.04)
103. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, and 5.04.225, Sewer Service Charges (5.04)
104. Amends §7.04.545, Sewer Enforcement Response and Fines (Repealed by 111)
105. Amends §§5.04.180, 5.04.190, 5.04.210—5.04.225, and 5.04.500, Sewer Service and Connection Charges(5.04)
106. Amends §2.04.050, Board of Directors (2.04)

107. Adds §7.04.790, Sewer Construction and Use (7.04)
108. Amends §§5.04.180, 5.04.190 and 5.04.210—5.04.225, Sewer Service and Connection Charges (5.04)
109. Repeals §5.08.020, Special Assessment Connection Charges (Repealer)
110. Adds §§7.04.325, 7.04.375 and 7.04.515; amends §§7.04.030, 7.04.310 and 7.04.510; repeals and replaces §7.04.545, Sewer Construction and Use (7.04) (Not sent)
111. Amends §2.04.020, Board of Directors (2.04)
112. Amends §§5.04.180, 5.04.190 and 5.04.210—5.04.225, Sewer Service and Connection Charges (5.04)
113. Adds Ch. 1.05, Claims Against the District (1.05)
114. Amends §§7.04.030, 7.04.310, 7.04.510, and 7.04.545, Sewer Construction and Use (7.04)
115. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service and Connection Charges (5.04)
116. Amends §§5.04.180; 5.04.190, 5.04.210, and 5.04.220, Sewer Service and Connection Charges (5.04)
117. Add §§1.10.010, 1.10.020, 1.10.030, 1.10.040, 1.10.050, and 1.10.060, Appeals of Actions by the District Engineer and Staff (1.10)
118. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service and Connection Charges (5.04)
119. Amends §5.04.500, Sewer Service Charge Refunds (5.04)
120. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service and Connection Charges (5.04)
121. Amends §§7.04.030, 7.04.140, 7.04.375 (A.1), and 7.04.510 (J.2.h), Definitions, Construction and Prohibited Waste (7.04)
122. Amends §7.04.310 (N), Prohibited Waste (7.04)
123. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, and 5.04.225, Sewer Service Charges for Residential Facilities, Commercial Facilities, State Beach or Park Facilities, and School Facilities (5.04)
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125. Amends §§5.04.180, 5.04.190, 5.04.210, 5.04.220, and 5.04.225, Sewer Service Charges for Residential Facilities, Commercial Facilities, State Beach or Park Facilities, and School Facilities (5.04)
126. Amends §II of Ordinance No. 95, Providing for the Collection of Sewer Service Charges on the Tax Roll (§5.04.290—in effect until June 30, 2029) (Special) (5.04)
127. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service Charges for Residential Facilities, Commercial Facilities, State Beach or Park Facilities, and School Facilities (5.04)
128. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service Charges for Residential Facilities, Commercial Facilities, State Beach or Park Facilities, and School Facilities (5.04)
129. Recodifies Title 2, Section 2.04.025 of the District Code regarding Contracting for Construction, Maintenance or Repair
130. Amends §§5.04.180, 5.04.190, 5.04.210, and 5.04.220, Sewer Service Charges for Residential Facilities, Commercial Facilities, State Beach or Park Facilities, and School Facilities (5.04)
131. An Urgency Ordinance amending Santa Cruz County Sanitation District code, Section 5.04.180(D) to Discontinue Acceptance of Applications for New Determinations of Eligibility for Low Water Use Rate
132. Amends District Code Title 5, Article III, Section 5.04.180, Elimination of Low Rate Discharger Sewer Service Charge
133. Amends District Code Title 5, Article III, Sections 5.04.180 through 504.220, Sewer Service Charges
134. Amends Title 2, Section 2.04.140 of the District Code Regarding Contracting for Construction, Maintenance or Repair Work
135. Amends District Code Title 5 and Title 7 (Various Sections)
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142. Enacting New Title 4, Bidding Procurement Procedures, Chapter 4.01, to Implement the Uniform Construction Cost Account Act Bidding Procurement Procedures for Public Projects

**USE OF THE INDEX**

Book Publishing Company uses an indexing system especially suited to municipal codes. Similar in form to the usual index, our system follows code organization and is designed to facilitate supplementation. Each section is indexed under one main heading with additional entries for official duties and single references for required bonds, licenses and permits. Multiple entries increase page costs and the likelihood of error in later supplements: therefore, extensive cross-references are used in lieu of multiple entries to direct the code user to the information sought.

To help you understand how our indexing system works, listed below are nine typical entries. These entries are keyed to brief explanations of their form and purpose. The typeface of a cross-reference indicates its place in the index. Here are some examples:

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<sup>2</sup>See also VEHICLE

<sup>3</sup>Central business district defined 1 1.04.010

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<sup>4</sup>See also signal

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<sup>4</sup>Definitions 11.04.010

<sup>5</sup>Engineer

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<sup>6</sup>Parking

See PARKING

<sup>7</sup>Signal

See Control Device

<sup>8</sup>TRANSIENT MERCHANT PEDDLER

See PEDDLER

9TREE NURSERY

See ZONING

## EXPLANATION OF ENTRIES

1. Information is under a specific heading, such as SALES, USE TAX or TRANSIENT OCCUPANCY TAX
2. Related entries can be found under the heading VEHICLE.
3. Each item defined is listed separately; in addition, the section containing the definitions is indicated.
4. Information can be located at another division of this heading.
5. Officials and agencies usually have their own entries.
6. Parking provisions of the traffic title are indexed separately under PARKING.
7. Information is under the heading TRAFFIC, consolidated under the subheading Control device.
8. Provisions have been consolidated with similar information, under the heading PEDDLER.
9. Zoning provisions are indeed under ZONING. A more extensive treatment is given these provisions: permitted uses and development standards are listed under both specific and general headings, as in these examples:

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